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NATO DEFENSE AND THE INF TREATY

HEARINGS

BEFORE THE

COMMITTEE ON ARMED SERVICES UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

FEBRUARY 24, 25; MARCH 18, 24; APRIL 14, 1988

PART 5

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NATO DEFENSE AND THE INF TREATY

WEDNESDAY, FEBRUARY 24, 1988

U.S. Senate,
Committee on Armed Services,
Washington, DC.

IMPLICATIONS OF THE INF TREATY

The committee met, pursuant to notice, at 9:03 a.m., in room SR-222, Russell Senate Office Building, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Exon, Dixon, Warner, Humphrey, Quayle, Wilson, Symms, and McCain.

Staff present: Arnold L. Punaro, staff director; Carl M. Smith, staff director for the minority; Patrick A. Tucker, minority counsel; and Andrew S. Effron, counsel; Gerald K. Bankus, Robert G. Bell, Robert F. Bott, Brian D. Dailey, Sherri Wasserman Goodman, John J. Hamre, William E. Hoehn, Jr., and Ronald P. Kelly, professional staff members; Lucia M. Chavez and Richelle M. Turner, staff assistants.

Also present: Jeffrey B. Subko, assistant to Senator Exon; William J. Lynn, assistant to Senator Kennedy; Donald A. Mitchell, assistant to Senator Glenn; William J. Wight, assistant to Senator Warner; Mark J. Albrecht, assistant to Senator Wilson; and Alan Ptak, assistant to Senator Gramm.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Chairman Nunn. The committee will come to order.

This morning we will hear from three prominent individuals who have served in various capacities in our Government and have certainly been among those following defense and foreign policy issues with a great deal of interest for a long time.

The panel includes Mr. Frank Gaffney, formerly a member of the professional staff of this committee, and most recently, the Deputy Assistant Secretary of Defense for Nuclear Forces and Arms Control Policy.

It is my understanding, Frank, that you are now a visiting fellow with the American Enterprise Institute. We are glad to have you.

Dr. William Van Cleave, the director of the Center of Defense and Strategic Studies at Southwest Missouri State University.

Dr. Van Cleave, we are delighted to have you.

And Evan Galbraith, former U.S. Ambassador to France between 1981 and 1985.

Mr. Ambassador, we are delighted to welcome you before the committee.

We have received your prepared statements and will be happy to enter these fully into the record should you choose not to read these. We will be glad to give you whatever time you need this morning. It is up to you whether you would like to summarize or whether you would like to read the entire statement.

Senator Warner, do you have an opening statement?

Senator **Warner**. Mr. Chairman, I join you in welcoming these three distinguished Americans. I have known them all and worked with each of them in one capacity or another, and each has volunteered. I received correspondence from Ambassador Galbraith, I received oral requests from our former staff colleague and my associate here in the Subcommittee on Strategic Forces, Mr. Gaffney, and we have always known Dr. Van Cleave is willing to come before the committee.

They speak with very thorough credentials, and credible backgrounds.

We welcome your testimony.

A prepared statement submitted by Senator Dixon shall be submitted for the record as this point.

[Prepared statement by Senator Dixon follows:]

Prepared Statement by Senator Alan J. Dixon

Mr. Chairman, I am glad to welcome Mr. Frank J. Gaffney, Jr., former Assistant Secretary of Defense for Nuclear Forces and Arms Control Policy, Dr. William R. Van Cleave, and Ambassador Evan Galbraith, former Ambassador to France, before this committee today. I look forward to their input into the hearing process.

This committee has covered a lot of ground in the past several weeks. We have heard testimony from distinguished individuals on the political and military implications of the INF Treaty, the current state of our conventional forces in Europe, and received a very detailed review of the treaty from its chief negotiator, Ambassador Glitman. I believe that the information and expert opinions presented to us will help to develop a comprehensive and responsible position on the INF Treaty and form a basis for a thorough review of the FY 1989 Defense budget.

I particularly welcome the diverse range of opinions that have been presented. I want to take this opportunity to congratulate the chairman and Senator Warner for the excellent job they have done in assembling this fine slate of witnesses. I'm sure our witnesses today will provide a significant contribution to the issues before us.

Thank you Mr. Chairman.

Chairman **Nunn**. Mr. Ambassador, would you like to lead off?

STATEMENT OF HON. EVAN G. GALBRAITH, FORMER U.S. AMBASSADOR TO FRANCE

Ambassador **Galbraith**. Thank you.

Mr. Chairman, I will go through the testimony that I provided, if I may, and I provided in there by way of background the fact that I have lived in Europe for over 20 years in my adult life, most recently as the U.S. Ambassador to France from 1981 to 1985. I have served twice before in the Government, 3 years in the CIA and 1 year as a special assistant to the Secretary of Commerce.

Most of my career has been in investment banking, international investment banking where I am now so engaged. Prior to that I practiced law. I am a graduate of Yale University in 1950 and of Harvard Law School in 1953.

First I would like to state that the verification under the INF, in my opinion, is impossible, and I do not mean just difficult, I mean impossible.

No. 1, the SS-20s and their launchers are mobile. No. 2, we do not know how many have been produced, i.e., several hundred nondeployed SS-20s could remain after the elimination required by the treaty. And our right of inspection is restricted to a small fraction of the feasible storage sites in the Soviet Union.

The fact is our intelligence estimates on the number of SS-20s vary widely. And this wide range of estimates reflects the lack of hard intelligence that we have on production. We have picked up by technical means deployed SS-20s and their sites, but we have very little on their production. Our estimates are based on assumptions, and these assumptions vary depending on the estimator. I have suggested to Senator Boren that when his Intelligence Committee examines the various estimates the committee will have before them, that they cross examine closely the witnesses to determine how they arrived at their results. This committee, I might also suggest, might wish to dig into the process behind the estimates, how they were arrived at.

Now, when confronted with the what I would call irrefutable logic that you cannot verify the absence of a mobile missile unless you know how many you are looking for, I have observed that the administration officials shift their ground away from verification and are forced to resort to reasons why it is unlikely that the Soviets will cheat.

First, we are told that concealed SS-20s would have "no military significance." That phrase keeps cropping up. Now, 300 or 400 SS-20s have no military significance? That is hard to believe. Then, if this is true, that they have no military significance, why are we giving up our key deterrent, the Pershing II, in order to rid ourselves of the SS-20? In other words, how can the SS-20 be significant for purposes of this treaty but insignificant for violating it? One cannot have it both ways, in my view.

Second, we are told that the concealed missiles cannot be properly maintained or manned, and that the missiles will eventually become outdated. The fact is that the SS-20s can be operated and maintained by crews responsible for other missiles, for example, the SS-25. The SS-20 requires no further flight testing and can be easily stored outside our means of detection. The SS-20s will remain lethal and intimidating long after they become obsolescent.

Third, we are told by the administration that cheating would be expensive. Now, why is this? The SS-20s can be stored in canisters or in metal containers at inaccessible sites, and it is highly unlikely, by the way, that the Soviets would store them at sites that we are entitled to inspect. I do not think they would convenience us to this extent. And it certainly is cheaper from the Soviet point of view to keep these weapons than to build new ones. And portions of them could be used, like the warheads, in developments of later missiles such as MIRVing the SS-25.

Now, existing crews and launch locations can be used, and I submit that this question of cost is a red herring, and if there is a cost element, to the contrary, it is an incentive to cheat.

Last, one hears that the Pershings were employed in order to counteract the SS-20s, and once the latter is removed, the Pershings have to go. But the mission of the SS-20 will be continued by the SS-24s and SS-25s which can also be targeted against Europe. By eliminating the Pershing II, we lose a key deterrent whose presence is important to the will and the morale of the German people to defend themselves. The mission of the SS-20, i.e., to terrorize Germany, not to be fired—it was created to intimidate and to terrorize—will simply be carried out by more powerful successor missiles, i.e., the SS-24 and the SS-25.

Now, I would suggest, and this is where the key of it is, I think, in verification, that this committee ask why it is the administration has gone to such lengths to characterize the treaty as verifiable when patently it is not. Is the administration willing to take risks with the Soviet Union that are unacceptable to most of the American people? Does the administration so believe in arms control that it is willing to mislead, deceive and cover up? Something, in my opinion, is wrong here. This treaty has been elaborately described as verifiable when in fact it is not, and responsible officials in the administration know it.

Now, I would like to turn to the substance of the treaty, and in my opinion, the loss of the Pershing II is an even more devastating aspect of this than the impossibility of verification. The Pershing II is a key deterrent to Soviet aggression, and its deployment reinforced the will of the Europeans to maintain an effective military force against the Soviet Union.

The underlying problem in Europe is the fact that almost no one believes the United States would use its strategic nuclear weapons solely for the purpose of defending Europe. To do so would create a Soviet nuclear counterattack on the American people. Consequently, most Europeans think the Soviets are not deterred in Europe by American strategic weapons. Therefore, Europe is wide open to a Soviet nuclear, conventional or chemical attack unless, unless there are U.S. nuclear weapons on the ground in Germany. And this is so because most people think the Soviets must assume that in the event of a conventional Soviet breakthrough, the United States would use its tactical nuclear weapons in Europe if only to prevent U.S. troops from being slaughtered. Moreover, the use of tactical or theater nuclear weapons need not necessarily escalate into a strategic exchange.

Now, this loss of belief in the American nuclear umbrella in Europe has given rise to defeatism, appeasement and a fundamental longing just to opt out. This feeling is manifested in Germany by the rise of the Greens, the presence of the left wing of the Social Democratic Party, the SPD in Germany, and by much of European youth in general. The Germans in particular have been assaulted by Soviet propaganda about nuclear holocaust, Germany burning, Germany as a nuclear battlefield, and all of this has had an adverse effect on the German will to resist.

However, the Pershing II helped restore European faith in the West's ability to stand firm. The American nuclear umbrella in a real sense was restored. Now, with this treaty we are on our way to withdrawing it yet again. The ink was barely dry on the INF Treaty when Genscher and Shevardnadze and Honnecker, et al., began discussing the elimination of the remaining nuclear weapons in Germany. The INF Treaty, in the words of Pierre Lellouche, who is the director of a think tank in France, "destroyed the political and military legitimacy of nuclear weapons in Europe." And it set us on a slippery slope where we will not stop sliding until Germany is denuclearized, neutralized and demilitarized. And by ratifying this treaty, you will destabilize Germany and Western Europe and threaten the existence of NATO.

And you threaten the existence of NATO, and you destabilize Germany for what end? What do we achieve by this? The purpose of the SS-20 is to intimidate, to terrorize, and ultimately to force Europeans to opt out of any effort to resist the Soviet domination of Europe. These weapons were not built to shoot. They were built to intimidate, and they have succeeded.

Soviet terror, Soviet intimidation is not going to be diminished by the elimination of the SS-20. The SS-24 and SS-25 and all the other nuclear weapons are available to be targeted on Europe, and the grisly Soviet propaganda war will continue. And the erosion of Western resolve will continue.

We are asked if this fatal scenario is possible, why is it that the European leaders seem to favor the treaty? The answer lies, in my view, in the confluence of two factors, favorable public opinion for the treaty in Europe, and the disarmament policy of the administration. Government leaders have concluded that they cannot resist politically the combination of these two forces. There is a euphoria out there. There is a euphoria in the United States. And the reality about what people face is being overcome by this public euphoria.

Professor Jeffrey Hart pointed out in a recent book of his "From This Moment On," that Chamberlain after his agreement with Hitler in Munich, had become a national hero, and Churchill could do nothing. This was because of the public euphoria that took place in Britain. They wanted to believe that Hitler was a reasonable man, as Chamberlain indicated. Now, the New York Times during that period wrote an editorial, even after the fall of France and during the dark days of the Battle of Britain, they wrote "After all, Neville Chamberlain tried to bring peace to Europe. He tried boldly and bravely when other men had shrugged their shoulders. Was it not better to have tried and failed than never to have tried at all?"

The answer, of course, is no, not by relying on the word of tyrants. Only through strength can they be kept at bay, and we are giving up our strength by giving up the Pershing II.

I would also like to speak to those like Henry Kissinger who have said that the treaty is a major mistake but think it is too late, the damage is done, and not to ratify would not stop the withdrawal of the Pershing IIs. They reason that we might as well go ahead and ensure that the SS-20s are also withdrawn. Other opponents of the treaty fear that rejection at this stage could lead to the election of the SPD in Germany. But I wonder. Are we being wise in suppressing the truth? I think it is becoming understood as time goes by that we have created a political mess in Europe as a result of this treaty, and is it not better to speak out, as Churchill tried to do after Munich, even if it is into the teeth of public opinion? Maybe with the truth we can salvage the Pershing IIs. And the loss of Germany through neutralization would be a disaster, and we must do everything possible to prevent it.

This treaty will aid and abet those forces who would have the loss of Germany, the neutralization of Germany come about.

Rejecting the treaty because it is not verifiable in my view could be understood in Europe and could be a justifiable reason for backing away from our original intention. In other words, a policy reversal could be, I think, made more palatable by the fact that we have rejected the treaty based upon verification, which was always a condition precedent to its ratification, and indeed, it was put forward by the administration on that basis.

So I think if we were to reject the treaty on the grounds of lack of verification, men of good will in Europe would be relieved, and at least the worst we could do, I think we could delay for years and years the withdrawal of the Pershing IIs.

This is the essential point the Soviets want to achieve. They want to rid Europe of the Pershing IIs because they know that that weapon is unique in giving the German people the will to continue to resist. Germany has no nuclear weapons, and they will never have them. So they can only rely on those weapons which belong to others, and other weapons are only credible in their eyes if they are on the soil in Germany.

I would urge that the Senate either reject this treaty or postpone it until the American people can be given a chance to appreciate the fundamental, deep-seated, sea change adverse consequences that are going to flow from it in my opinion.

Last, Mr. Chairman, I would simply like to say that I have been asked frequently whether or not France could replace the United States as the nuclear guarantor of Europe. Perhaps they might. France will soon have the necessary military hardware, but military leaders, French military leaders are adamantly opposed to this treaty. I have been there in the last 3 weeks, I have talked to a number of the former Chiefs of Staff, and they to a man are opposed.

I saw one leather-faced old, hardbitten warrior with tears in his eyes, approached me and he said, "Mr. Ambassador, you have to do everything you can to stop this treaty; it will be a disaster for Europe."

France sees after this treaty, soon, that there will be a neutral, empty Germany, void of American troops, sitting there between them and the Soviets, and they know it will be up to them to defend Germany, and they are, to say the very least, nervous about this new responsibility.

But the question is whether or not Germany will accept France as its nuclear guarantor, and if so, will French nuclear weapons be sufficiently credible to stop the erosion in Germany of the will to resist? And on this point I have grave doubts.

So, Mr. Chairman, I terminate there, but I would like to repeat one thing. What we're talking about here is not matching the might of military hardware; we are talking about a Soviet propaganda effort to destroy the will of the German people to remain a military force, and the withdrawal of the Pershing II is going to advance the Soviet effort irrevocably, and we are going to cause

Germany to no longer be a military asset to the defense of the West, in my opinion.

Thank you, Mr. Chairman.

[The prepared statement of Ambassador Galbraith follows:]

PREPARED TESTIMONY OF HON. EVAN G. GALBRAITH

Thank you Mr. Chairman. By way of background, I have lived 20 years in Europe, most recently as the U.S. Ambassador to France (1981-85). I served twice before in the government—3 years in the CIA and 1 year as Special Assistant to the Secretary of Commerce. Most of my career has been in international investment banking. Prior to that I practiced law. I am a graduate of Yale University (1950) and Harvard Law School (1953).

First, I would like to state that verification under the INF Treaty is impossible—not just difficult—impossible: (1) The SS-20s and their launchers are mobile; (2) we do not know how many have been produced (several hundred undeployed SS-20's could remain after the elimination required by the treaty); and our right of inspection is restricted to a small fraction of the feasible storage sites in the Soviet Union. Our intelligence estimates on the number of SS-20's vary widely. This wide range of estimates reflects the lack of hard intelligence we have on production. We have picked up by technical means deployed SS-20's, but we have very little on their production. Our estimates are based on assumptions and these assumptions vary depending on the estimator. I have suggested to Senator Boren that when his Intelligence Committee examines the various estimates the committee cross-examine closely the witnesses to determine how they arrived at their results. This committee might wish also to dig in behind these estimates.

When confronted with the irrefutable logic that you cannot verify the absence of a mobile missile unless you know how many you are looking for, I have observed that Administration officials shift their ground away from verification and resort to reasons why it is unlikely the Soviets will cheat:

First, we are told that concealed SS-20's would have no "military significance." Three or four hundred SS-20's have no military significance? Then why are we giving up our key deterrent in order to rid ourselves of the SS-20? How can the SS-20 be significant for purposes of the Treaty, but insignificant for violating it? One cannot have it both ways. Next, we are told that concealed missiles cannot be properly maintained or manned and that the missiles will eventually become out-dated. The fact is the SS-20's can be operated and maintained by crews responsible for other missiles, e.g., the SS-25. The SS-20 requires no further flight testing and can be easily stored outside of our means of detection. The SS-20's will remain lethal and intimidating long after they become obsolescent. Third, we are told that cheating would be expensive. Why? SS-20's can be stored in canisters or in metal containers at inaccessible sites (it is unlikely the Soviets would store them in the places we can inspect). It certainly is cheaper to keep these weapons than to build new ones. Existing crews and launch locations can be used. This is red herring. The cost element, if anything, is an incentive to cheat. Lastly, one hears that the Pershing II's were employed in order to counteract the SS-20's and once the latter is removed the Pershing II's have to go. But the mission of the SS-20 will be continued by the SS-24's and SS-25's which can also be targeted against Europe. By eliminating the Pershing II we lose a key deterrent whose presence is important to the will and morale of the German people to defend themselves. The mission of the SS-20, to terrorize Germany, will simply be carried out by more powerful, successor missiles, the SS-24 and SS-25.

I would suggest that this committee ask why it is the administration has gone to such lengths to characterize the treaty as verifiable, when patently it is not. Is the administration willing to take risks with the Soviet Union that are unacceptable to most of the American people? Does the administration so believe in arms control that it is willing to mislead, deceive and cover-up? Something is wrong here—this treaty has been elaborately described as verifiable when in fact it is not and responsible officials in the administration know it.

Turning to the substance of the treaty, in my opinion the loss of the Pershing II is even more devastating than the impossibility of verification. The Pershing II is a key deterrent to Soviet aggression and its deployment reinforced the will of the Europeans to maintain an effective military force against the Soviet Union.

The underlying problem in Europe is the fact that almost no one believes the United States would use its strategic nuclear weapons solely for the purpose of defending Europe. To do so would cause a Soviet nuclear attack on the American people. Consequently most Europeans think the Soviets are not deterred in Europe by American strategic weapons. Therefore Europe is wide open to a Soviet nuclear, conventional, and chemical attack, unless there are U.S. nuclear weapons on the ground in Germany. Most people think the Soviets must assume that in the event of a conventional Soviet breakthrough the United States would use its tactical nuclear weapons in Europe, if only to prevent U.S. troops from being slaughtered. Moreover, the use of tactical nuclear weapons need not necessarily escalate into a strategic exchange.

The loss of belief in the American nuclear umbrella in Europe has given rise to defeatism, appeasement and a longing to opt out. This is manifested in Germany by the Greens, the left-wing of the Social Democratic Party (SPD) and much of European youth. The Germans in particular have been assaulted by Soviet propaganda about a nuclear holocaust, Germany burning, Germany as a nuclear battlefield, etc. and all with an adverse effect on Germany's will to resist. However, the Pershing II helped restore European faith in the West's ability to stand firm. The American nuclear umbrella was restored. Now with this treaty we are on our way to withdrawing it. The ink was barely dry on the INF Treaty before Genscher, Shevardnadze, Honnecker et al began discussing the elimination of the remaining nuclear weapons in Germany. The INF Treaty "destroyed the political and military legitimacy of nuclear weapons in Europe" [1] and set us on a slippery slope where we won't stop sliding until Germany is denuclearized, neutralized and demilitarized. By ratifying this treaty you will destabilize Germany and Western Europe and threaten the existence of NATO.

And to what end? The purpose of the SS-20 is to intimidate, to terrorize and ultimately to force the Europeans to opt out of any effort to resist the Soviet domination of Western Europe. Soviet terror is not going to be diminished by the elimination of the SS-20. The SS-24 and SS-25 can also be targeted on Europe. The grizzly Soviet propaganda war will continue. The erosion of Western resolve will continue.

We are asked, if this fatal scenario is possible, why is it that European leaders favor the treaty? The answer lies in the confluence of favorable public opinion in Europe and the disarmament policy of the Reagan administration. Government leaders have concluded they cannot resist politically the combination of these two forces. Reality is often overcome by public euphoria. As Professor Jeffery Hart points out in his recent book "From this Moment On"—Chamberlain was, after his agreement with Hitler in Munich, a national hero and Churchill could do nothing. A New York Times editorial, even in the dark days of 1940, persisted, "After all, Neville Chamberlain tried to bring peace to Europe. He tried boldly and bravely when other men had shrugged their shoulders. Was it not better to have tried and failed than never to have tried at all?" The answer is no, not by relying on the word of tyrants. Only through strength can they be kept at bay.

I would also like to speak to those like Henry Kissinger who have said the treaty is a major mistake, but think it is too late; the damage is done and not to ratify would not stop the withdrawal of the Pershing II's. We might as well go ahead and insure that the SS-20's are also withdrawn. Other opponents of the treaty fear that rejection could lead to the election of the SPD in Germany. But is it wise to suppress the truth? Is it not better to speak out as Churchill did after Munich even if into the teeth of public opinion. Maybe with the truth we can salvage the Pershing II's. The loss of Germany through neutralization would be a disaster. We must do everything possible to prevent it. This treaty will aid and abet those forces who would have it come about. Rejecting the treaty because it is not verifiable could be understood in Europe and could become a justifiable reason for backing away from our original intention. Most thoughtful people of good will in Europe would be relieved if this Treaty is not ratified and at worst, the withdrawal of the Pershing II's would be delayed. I urge that the Senate either reject the Treaty or postpone it until the American people can be given a chance to appreciate its adverse consequences.

Lastly, people ask me can France replace the United States as the nuclear guarantor of Europe? Perhaps. France will soon have the necessary military hardware, but French military leaders are adamantly opposed to this Treaty. They see a neutral, empty Germany, void of American troops, between them and the Soviets. They know it will be up to them to defend Germany and they are nervous about their new responsibility. But the question is whether or not Germany will accept France as its nuclear guarantor and if so will French nuclear weapons be sufficiently credible to stop the erosion in Germany of the will to resist. On this latter point I have grave doubts.

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[1] Pierre Lellouche, Director Institute Francois des Relations Internationales. International Herald Tribune Feb. 18, 1988.

Chairman NUNN. Thank you very much, Mr. Ambassador.

I would suggest this morning that we hear from each one of the witnesses and then come back for questions.

Mr. Gaffney.

STATEMENT OF FRANK J. GAFFNEY, JR., FORMER DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR NUCLEAR FORCES AND ARMS CONTROL POLICY, AND CURRENTLY SENIOR FELLOW, THE HUDSON INSTITUTE

Mr. GAFFNEY. Thank you, Mr. Chairman, particularly for your warm welcome.

I am enormously grateful to the committee for the opportunity you have provided me to testify. My appreciation, frankly, is due in part to the fact that during the 7 months last year that followed my nomination by President Reagan to be the Assistant Secretary of Defense for International Security Policy, I had no higher aspiration or more unfulfilled dream than to appear before the Armed Services Committee. And absence, it is the case, does make the heart grow fonder.

My gratitude also stems from my view that the role, past, present, and I am confident, future, of this committee in the critical assessment of arms control agreements is of surpassing importance. In all likelihood, if a serious consideration of the military implications of the substantive accords presented to the Senate and, Mr. Chairman, I emphasize, the process by which they were produced is not done by the Senate Armed Services Committee, it will not be done.

My perspective on both the substance of the INF Treaty and the negotiating process which created it has been profoundly influenced by the several positions that I have been privileged to hold. My 7 months as the Assistant Secretary of Defense, Designate, the senior official of the Department responsible for arms control matters, and over 4 years as the Deputy Assistant Secretary for Nuclear Forces and Arms Control Policy, permitted me personally and directly to involve myself in the formulation and negotiation of much of this treaty.

Just as importantly, my 7 years spent in service to this committee, and one of its most distinguished members, Senator Henry Jackson, were instrumental in shaping my thinking about the promise and the perils of arms control, and the essential part to be played by the Senate in judging the adequacy of negotiated accords.

Let me make one point clear at the outset. I am not among those who oppose the INF Treaty because it would eliminate treaty-limited missiles. To the contrary, I believe if either of two conditions apply, the so-called zero outcome is the only acceptable one.

First, we must answer the question must there be an arms control agreement affecting such forces? Ambassador Galbraith and a number of others testifying before this committee and others have ably argued the point about whether these are in fact forces which lend themselves to verifiable and effective controls, and if so, whether one sought to start with these forces. I will not belabor those points. I simply note that I think there are legitimate arguments to be made there.

I believe, however, that for good or ill, we are politically committed to having an arms control agreement on INF missiles at the earliest possible moment. In my view, this is one of the direct and perhaps most undesirable consequences of NATO's so-called double-track decision of 1979.

Second, must we have confidence that the Soviet Union is complying with any arms control limits affecting INF missiles to which we might agree, and that, if they do not, we will be able relatively easily and persuasively to establish that they are in violation?

It is one of the most remarkable ironies of our experience with U.S.-Soviet arms control that this question need even be posed. As this committee well knows, the Soviets have violated virtually every arms agreement they have signed. The well-established pattern of selective Soviet compliance with their commitments regrettably obliges us to expect them similarly to pick and choose to which of the INF Treaty's provisions they will adhere.

I will return shortly to the import of this matter of selective compliance. I believe that if we are going to submit to arms limitations on our INF systems, we must, of course, insist that such limitations apply equally to the Soviet Union. Moreover, if, as past experience suggests they will, the Soviets try to cheat on an INF agreement, we must be able readily to ascertain that they are doing so, and to document it authoritatively.

I would just emphasize that point. The usefulness, the usability of the evidence that one might obtain is absolutely central to proving to members of this body, to the public, to the press, that a problem with compliance is taking place.

If in fact these two conditions do pertain, then I regard the global banning of INF missiles to be the only way to proceed. An arms agreement with this structure, provided its details permit the zero outcome structure to be fully realized, would reduce the threat posed by the awesome Soviet INF missile force, while enormously simplifying the associated monitoring tasks.

Mr. Chairman, crucial to achieving the latter objective is the creation of a stark binary condition: no treaty-limited systems are permitted, period. Any evidence, consequently, of same is by definition a violation.

Let me offer one caveat on that general support of the INF Treaty structure. Assuming such a treaty is not permitted to become a vehicle for dismantling our remaining nuclear forces in Europe or otherwise preventing their modernization—again, an important issue to which I will return at the end of these remarks—I believe a genuine zero outcome can be consistent with our security interests and those of our allies.

The key issue for me, the issue before this committee now and with which I urge you to grapple, is fairly simple but extremely important. Do the details of the INF Treaty fully realize and implement the zero outcome structure?

In my judgment, gentlemen, in important respects, as presently drafted, those details do not.

Insofar as the Armed Services Committee's principal responsibility is, as I noted at the outset, in assessing the military implications of this treaty, I will focus my attention on aspects of this accord and the process which produced it relevant to the security considerations that are within your portfolio. These represent, I hasten to add, but a few of the problematic elements of the details of this accord identified in a review which I think all members have, conducted by a working group I chaired under the sponsorship of the American Enterprise Institute.

Permit me to begin a few comments about the details by identifying several important disconnects between the general obligations entailed in the structure of the INF Treaty on the one hand, and key provisions in its details on the other, which may prove to be of considerable military significance. I am also taking the liberty of proposing fixes which I believe the Senate should adopt to correct such crucial disconnects.

First, the INF Treaty's general provisions ban production of limited systems, yet the Soviet Union is uniquely permitted by the treaty's details to continue to produce a missile stage indistinguishable from that of its principal INF missile, the SS-20. The similarities between the banned SS-20 and the currently unlimited, intercontinental-range SS-25, of course, greatly exacerbate the verification uncertainties inherent in this treaty. Were the SS-25 to be banned in the strategic arms reduction talks, as proposed until, according to press reports, very recently, by the United States, present concerns about the SS-25 production, maintenance, deployment and training facilities affording the Soviets ready means of retaining a covert SS-20 force would be greatly alleviated.

Absent such a ban, however, the fact that the U.S.S.R. will retain a legal infrastructure for mobile missiles substantially undermines the intended effect of the zero outcome.

As I say, press accounts regrettably suggest that the United States at the just-concluded Moscow Ministerial agreed to abandon its position banning mobile missiles. If this is true, I regard it to be a serious error.

The permitted infrastructure problem inherent in the SS-25 is made even more troublesome by the treaty's recognition that at least the first stage of the SS-20 is, for monitoring purposes, identical to that of the SS-25. We have no right under this treaty to monitor Soviet rocket motor production facilities. Despite misrepresentations, I think, to this point in the memorandum of understanding, Votkinsk is not a production facility on the Soviet side.

As that is true, it may not seem particularly important that we have effectively vitiated part of the ban on production as it applies to the U.S.S.R. However, in light of its adverse effect on the integrity of this treaty, on the efficacy of the agreement's constraints, and importantly, on what intelligence experts called the "background-noise level" which, as it increases, degrades our ability to render useful verification judgments, in my view this disconnect appears neither warranted nor justifiable.

Accordingly, I believe the Senate should insist that a condition of ratification of this treaty is Soviet acceptance that the SS-25 will be banned under a future START agreement. In so doing, the Senate would not only markedly improve the prospects for verifying the INF Treaty, it would also do much to simplify the daunting verification challenge posed by a more militarily significant START accord.

Second, the INF Treaty expressly requires the two sides to eliminate their missile launchers, yet the treaty's details allow the Soviets to retain their entire mobile missile launcher inventory simply by modifying these systems.

The Soviets, as I understand it, secured this right by claiming that they intended to use modified launchers to haul pipes around the U.S.S.R. They maintained that unless granted it, we would enjoy an unfair advantage insofar as we intended to use for other purposes the MAN tractors associated with the Pershing II and GLCM launchers.

In acceding to this Soviet demand, however, we took another major step away from the pristine environment envisioned by the zero option. Instead of a situation in which evidence of the U.S.S.R. retaining a single SS–20 launcher, for example, would constitute grounds for charging the Soviets with a violation, we will now be faced under this provision with a far more daunting, if not impossible, task. We must prove that any of hundreds of launchers observed in the Soviet Union have not had their treaty-dictated modifications reversed or are otherwise available to launch SS–20s.

Here again, I think the Senate should insist upon a change in the treaty's details. The Soviet Union should be required to eliminate its launchers in precisely the same way we are disposing of ours, i.e., by cutting them in half. It is inconceivable to me that such a stipulation, one both entirely consistent with the general obligation of the INF Treaty and designed to eliminate predictable difficulties in the future over Soviet compliance, would, as has been argued, result in the treaty's rejection by the Soviet Union.

Mr. Chairman, I would observe that it seems to me obvious that self-described friends of arms control should be especially insistent upon eliminating issues like this which will unavoidably become compliance irritants in the future. As opposed to questions of fact, the vexing problem of knowing what the Soviets are doing, and that is an unavoidable problem, of course—we ought to minimize the damage done to the arms control process by unnecessarily accepting disagreements or creating the prospect of disagreements over questions of law. That is, are the Soviets allowed to do something we think they are doing or not?

I can tell you from firsthand experience, countless man-years have been spent by the executive branch to date quibbling not only about what it is the Soviets have done or have not done, that might be inconsistent with their treaty obligations, but also whether in fact their treaty obligations permit them to do it or not. I think it does enormous violence to the process of arms control, the confidence one has in it, the support it enjoys in the public when, by virtue of unclear language, these kinds of future questions of law are rendered unavoidable.

Third, the INF Treaty stipulates that there may be no flight testing of limited missiles, yet the treaty's details permit the Soviets to launch 100 intermediate-range missiles, ostensibly for the purpose, and certainly with the effect of, destroying them.

Now, as you know, the administration attaches great importance to the treaty's flight test ban as a means of denying the Soviets confidence in the reliability and effectiveness of any INF missiles they might wish to secret away. Unfortunately, in my view, in agreeing to the Soviet Union's demand that the accord permit them to dispose of at least 100 INF missiles by flying them to destruction, I think we have seriously compromised this feature of the INF accord.

Indeed, we have offered the Soviets through this device an opportunity to design a de facto flight test program so as to maximize their knowledge of and confidence in any covertly stockpiled missiles. Moreover, such results can be obtained even if the Soviets do respect the prohibition on telemetered data associated with allowed launches-to-destruction.

My recommendation is that the Senate insist that the treaty's ban on flight testing not be undermined by allowing 100 intermediate-range missile flights. It is altogether implausible to me that the Soviet Union is able to dispose of some 1,800 INF missiles during the relevant time periods through means other than launching-to-destruction but would actually reject the INF Treaty if they required that they do so with the last 100 missiles as well.

Fourth, the INF Treaty prohibits all armed cruise missiles with the capability to fly between 500 and 5,500 kilometers. The treaty's details, as this committee now is all too familiar with, however, afford the Soviets a multitude of options for acquiring and maintaining such systems.

I am not going to belabor this point. I know you have heard at length from my friend Richard Perle and others on this point. I would simply summarize the issue as I see it quite simply. It will be impossible to retain needed systems like drones and remotely-piloted vehicles and still verify a ban on conventionally-armed cruise missiles. Such missiles could be an increasingly important component of NATO's defense capability.

One of my profound frustrations was in being unable to persuade the Joint Chiefs of Staff of that fact when I was in the Government, and I gather that the committee heard at length that that was a principal reason, and I think it was, why this ban was ultimately accepted by the U.S. Government.

If the Senate, as I hope it will, rejects that military advice, it would certainly not be the first time that you have thought better of the military judgment and programmatic views of the Joint Chiefs of Staff.

In fact, I do recommend that, particularly in light of the fact that the present treaty language does not avoid the verification problem cited as the rationale for banning conventional GLCMs, the Senate amend the treaty so as to exclude from its constraints conventionally-armed cruise missiles.

Fifth, the INF Treaty is presented as having afforded us an opportunity to review and agree upon Soviet-supplied force data before the accord was signed. This fact, it is said, together with the obligatory monitoring of elimination processes, will give us confidence that the Soviets have disposed of all declared systems. The treaty's details, however, reveal that the force data which will count for monitoring purposes has yet to be received, and in fact, could well be quite different from that which we obtained prior to treaty signature.

Mr. Chairman, the reality is that there is a data gap in this treaty. If the Soviets were to tell us in the data exchange supplied 30 days after the treaty enters into force that they had eliminated hundreds of INF missiles before we were entitled to exercise our right to monitor such elimination, we would have as a practical matter no recourse but to accept their claims.

As you know, and as Ambassador Galbraith said, there is already plenty of reason to disbelieve the number of INF systems the Soviets declared in the original data exchange, that is, the number that were in place as of November 1, 1987. Should the U.S.S.R. choose to exploit this data gap, the quantity of weapons whose elimination we are allowed to observe may bear even less relationship to real Soviet INF capabilities.

In this regard, gentlemen, I suggest that we should take little comfort from the fact that the Soviets have made much in Europe and elsewhere of the fact that they are withdrawing shorter-range missiles from Eastern Europe now, before the treaty has come into force. I do not regard that as a good will or confidence-building gesture, particularly if those missiles are claimed to have been eliminated before we can monitor their elimination.

Fortunately, the serious potential for mischief in this area can, I think, if genuine good will exists on the Soviet side, be readily reduced. All that would be required is a Soviet agreement either that they will permit us to monitor the elimination of any INF systems disposed of prior to the treaty's entry into force, or that they will not eliminate any such systems until the treaty has come into force.

I recommend that the Senate direct the administration to seek an understanding along these lines immediately.

Sixth, as the committee knows——

Chairman NUNN. Mr. Gaffney, may I interrupt right there?

Mr. GAFFNEY. Yes, sir.

Chairman NUNN. Your written statement says seek an understanding, but you said orally that you think that ought to be done immediately. If it is going to be done, it would have to be done immediately, would it not, because by the time the Senate ratifies the treaty with an understanding, events you warned about could have already occurred.

Mr. GAFFNEY. Exactly right, Mr. Chairman. I think it is one of the things that could be done very quickly. I think an exchange of notes, perhaps, could do it, or some other interim arrangement. It should not wait until you formally act on the treaty.

Sixth, the INF Treaty has a provision, as you know, article XIV, which is subject to fundamentally different interpretations. Depending on the reading of this article, it could represent either inconsequential surplusage, or alternatively constitute a commitment with profound implications for defense relationships with our allies. Here again, the committee has already heard considerable and, I think, conflicting testimony on this point. I share the view of those witnesses who have argued that prudence dictates that the meaning of article XIV be clarified at once and formally with the Soviet Union. The risks for crucial alliance programs of cooperation, conventional as well as nuclear, of leaving this provision with its present ambiguity are too great to do otherwise.

Last of these illustrative points, and perhaps most important, the INF Treaty is described by its advocates as a breakthrough in verification insofar as it provides unprecedented rights to conduct on-site inspections in the Soviet Union. That is true. The treaty's details, however, so severely delimit the scope of permitted inspections, in my view, as to make them little more than tours of Potemkin villages.

The INF Treaty verification regime permits on-site inspections only at declared facilities, and certain sites formerly associated, in a sense, also declared, with treaty-limited systems. This regime emerged because, in the end, the U.S. acceded to the Soviets' adamant refusal to accept short notice visits to nondeclared areas.

As a result, the vaunted on-site inspection procedures of this agreement amount to a U.S. right to visit those places where we can be reasonably assured Soviet cheating will not take place.

If we believe that something inconsistent, however, with the treaty's terms is going on at another place in the U.S.S.R., we will have no right, I repeat, no right to conduct short-notice on-site inspections there.

I hope to clarify one particularly important aspect of this issue. Some have suggested that the failure of the INF Treaty to provide for suspect site inspections was actually due to the resistance of U.S. agencies, not Soviet intransigence. While it is true that concerns have been voiced about the costs versus the benefits of a sweeping, comprehenive suspect site inspection regime, to my personal knowledge, every agency in the U.S. Government agreed at the time it was tabled that the administration's major penultimate position, that is to say, prior to its accession to the Soviets' demand, a position which called for the right to conduct short-notice, on-site inspections of any facility associated with ballistic missiles over 500 kilometers range, could be safely and usefully implemented.

I regard such a regime as essential if we are to have any hope of making Soviet cheating on the INF Treaty inconvenient, costly, and hopefully, thereby, unattractive. Should such considerations not prove sufficient to deter Soviet noncompliance, as has too often been the case in the past, this type of suspect site inspection right seems to me to offer the lowest acceptable probability of producing the kind of evidence I mentioned at the outset, useful evidence, demonstrable evidence required to document a violation.

Consequently, I believe that the Senate should condition its acceptance of the INF Treaty upon Soviet agreement to a modest but vital suspect site inspection right, that is, the right to conduct a specified number of short-notice inspections at sites associated with ballistic missiles over 500 kilometers in range.

This stipulation will do much to restore the effectiveness required for a verification regime of this agreement. It will also, of course, establish a crucial precedent for the much more important START agreement coming down the pike.

Interestingly, in the joint statement issued at the end of the Washington summit last fall, the Soviets agreed in principle to incorporate procedures for suspect site inspection into the START Treaty. That statement, if made by the U.S.S.R. in good faith, and that is a big "if" in my mind, makes untenable the argument that the Soviet Union would never accept such procedures, and that the Senate's insistence upon them in this treaty would represent a "killer amendment."

Instead, Mr. Chairman, it comes down to a straightforward judgment call. Is an agreement which obliges us to remove from Europe what Ambassador Galbraith has correctly called our most effective theater nuclear forces, important enough to have the best verification arrangements we can develop? In my view, the answer is obvious, and of course; it is yes.

Taken separately, each of these examples of important discrepancies between the stated purpose of the INF Treaty and the rights accorded the Soviet Union by its detailed provisions are objectionable. But taken together, I believe they will permit the U.S.S.R. to retain a militarily significant INF force long after NATO's counterpart systems have been eliminated.

As the Armed Services Committee contemplates how the Soviets might retain such a force and the military implications of their doing so, I submit the experience of the Soviet Union's covert deployment of the SS-16, the three-stage ICBM after all from which after all the two-stage SS-20 was derived, should be borne in mind.

We now know that the SS-16 was maintained in the U.S.S.R.'s strategic forces inventory for many years without flight testing or observed operations, and in violation of the SALT II Treaty. Were the Soviets to deploy illegal SS-20s in the same fashion as they did the SS-16, in garages or other shelters at some nondeclared facility, and to forgo flight testing of such missiles, they could retain for years militarily significant forces at a level of readiness and reliability comparable to that they accepted for the SS-16.

I emphasize that what is important here is that the Soviets are prepared to accept in terms of system reliability and availability, not what the U.S. military would do, or believe in similar circumstances. The Soviets' confidence in covertly deployed SS-20 forces could, moreover, be further enhanced were crews assigned to these systems to be rotated through legal training, maintenance and deployment facilities associated with the very similar SS-25.

To the extent the INF Treaty's details will simplify the Soviets' task in preserving such forces, for example, by allowing continued production, retention of launchers, testing for reliability through launches-to-destruction, et cetera, and make more difficult the job of U.S. intelligence in discriminating between allowed activities and prohibited ones, the probability greatly increases that the Soviet Union will cheat on the INF Treaty.

As a supporter of the zero option INF accord, I regard the correction of these deficiencies and others noted in the AEI review as crucial to an acceptable treaty, a treaty whose details ensure that the purposes described in the general language will be achieved.

Ironically, Mr. Chairman, should the Senate fail to insist upon the sort of changes I have described, and instead agree to the ratification of the INF Treaty in its present form, there is the very real possibility in my mind that the effect would be the same militarily as the dire result predicted if the treaty were defeated, namely, zero missiles on our side while substantial numbers remain in the Soviet Union.

It goes without saying that the already considerable political and strategic costs to the alliance wrought by the implementation of the 1979 double-track decision, a decision to cobble a necessary force modernization program with arms negotiations, would soar if the ultimate effect of this 9 year trauma were to be that the alliance's security posture is simply returned to the status quo ante.

Consequently, I believe the Senate should not be buffaloed into accepting a flawed INF Treaty on the grounds that no amendments are acceptable, either to the Reagan administration or to the Soviets, and that the alternative, rejecting the present accord, is unthinkable as it would leave the U.S.S.R. with a monopoly of INF missiles. Such simplistic propositions simply do not jibe with reality.

For example, the AEI review has identified several places in the treaty where simple drafting errors exist. I find incredible and preposterous what I understand is the administration's position that even the correction of such drafting errors will undo the agreement. If, in fact, we are going to fix such simple innocuous problems, it would entail renegotiation with the Soviets, and if we are renegotiating with them on innocuous provisions, it would seem to me highly desirable for us to engage with them as well on matters of much more significant import.

Despite their predictable objections, I believe the Soviets would be extremely hard pressed to refuse good faith efforts to bring the treaty's details into conformity with its stated purpose. Moreover, if the ultimate result of ratifying a defective INF agreement is materially the same as would be expected if we reject it, namely, that they have missiles and we do not, then the Senate has little to lose, and the alliance much to gain from seeking corrective measures designed to provide a real zero outcome.

Mr. Chairman, that has been a bit lengthy, and I apologize for its length, but I thought it important that you have a sampling of what I think are militarily significant deficiencies with the details of this treaty.

And if I may take just a few more minutes to discuss as well the process, because beyond the precedents that will be established by some of these details, it is the process, in my view, which is the most militarily significant issue before you, and addressing it would, I think, be important here as well.

The stakes in this debate extend far beyond simply restoring the integrity of the INF Treaty. I believe the most serious problems with this accord's details can in fact be traced to negotiating sessions held during the frenzied "end-game," as negotiators call it.

For example, decisions such as that to legitimize continued production of SS-20 first stages, to grant the Soviets a permanent monitoring site in the United States when we had no facility comparable to their Votkinsk final assembly plant, to give up on any suspect site inspection regime, to make ambiguous commitments not to assume undertakings which would conflict with the treaty, all of these were decisions which naturally reduced the effectiveness of the treaty's limitations, their verifiability or otherwise set the stage for future squabbles over compliance, and all were taken after we had agreed that the INF Treaty would be signed on December 8, 1987.

In other words, we completed the negotiation of some of the treaty's most important details under a self-imposed, artificial deadline. Unfortunately, the Soviets are all too adept at exploiting such a tactical situation, by remaining intransigent, introducing new "nonnegotiable" demands, or reopening matters previously resolved. They can wait for the relentlessly mounting pressure to finish the agreement to bring new flexibility on the United States side.

In a noteworthy display of chutzpah, if not outright contempt, the Soviets' INF negotiator, Ambassador Obukhov, on repeated occasions during this end game, maximized the effect of these tried and true Soviet tactics by scheduling and then failing to appear at negotiating sessions.

While such use of deadlines is increasingly seen as the only way in which domestic legislation can be enacted, I believe it is an irresponsible and dangerous means of producing arms control agreements. I happen to believe it is not so good for domestic law, either, but that is, after all, your business. In particular, I find opprobrious the argument that such a negotiating approach is actually beneficial insofar as, absent some sort of deadline, interagency objections to U.S. concessions could not be overcome.

In my judgment, if adjustments in our positions cannot be justified on their merits, they should not be effected simply because we feel obliged to do so in order to reach agreement by a date certain.

And yet, if the Senate were to rubberstamp the INF Treaty, and I think that is what a take-it-or-leave-it proposition such as that the administration has given you implies, it would be effectively endorsing such a sentiment. What is more, the deleterious effects of this endorsement would not be limited to the present agreement alone. To the contrary, precisely the same approach and mechanisms that gave rise to many of the flawed details of this accord, are even now, even as we speak, being applied to the negotiation on the infinitely more militarily important treaty affecting strategic arms.

For one thing, the United States and the U.S.S.R. have agreed as a practical matter at the Washington summit to set a deadline for completion of the START agreement, that is, by the middle of 1988. For another, the two nations will again employ the following devices, among others, to propel this enormously complex treaty to completion:

Ministerials, at which the Foreign Ministers of the United States and the Soviet Union meet privately, or accompanied by only one aide, to negotiate key matters in dispute. I found it horrifying that as a general rule, the accompanying substantive experts, including the responsible U.S. negotiator, were, more often than not at such meetings, only informed about what the principals had decided after the fact.

Meetings between special envoys designed to accelerate the progress being made in formal negotiating channels; frankly, the relationship between the special envoys and the formal negotiating process has never been clear and is an enormously, I think, dangerous activity. This is true particularly insofar as the negotiators involved may not be as intimately familiar with the negotiating process and history, as well as the substantive details, as the formal channel which, I think, should be used.

Finally, working group sessions usually held on the margins of ministerial meetings or summits and often conducted into the wee hours of the morning. These sessions tend to deteriorate into negotiating free-for-alls in which changes in U.S. positions frequently get made without authorization or coordination. Altogether too often opportunities to extract a concession for changes in our positions are lost in the undisciplined, even chaotic behavior frequently exhibited by U.S. participants in these events.

I am speaking from firsthand experience, and I can tell you, the Soviets do not miss a trick when it comes to taking advantage of those kinds of opportunities.

These several mechanisms, Mr. Chairman, pose common perils to U.S. interests whenever they are employed to negotiate crucial aspects of arms control agreements. They all tend to repose decisionmaking responsibility in the hands of individuals largely unfamiliar with the relevant technical esoterica and negotiating history. They all remove the formulation and communication of U.S. positions from a systematic and orderly interagency process in which every relevent department is given a voice. They all exacerbate the tendency toward hastily arrived at, lowest common denominator outcomes, to negotiating problems; solutions such as are arrived at in that fashion rarely conform to the outcomes we sought.

As you know better than I, a number of leading Senators have expressed concerns that the Reagan administration's headlong pursuit of a treaty reducing strategic arms might give rise to a militarily unsound START agreement. They are right to be concerned. Yet, unless the Senate is willing now to address critically the problems created when the same approach was employed to complete the INF Treaty, the administration will perceive no disincentive to employing it again in START.

To the contrary, were the Senate to rubberstamp the INF accord, it would be implicitly—if not explicitly—endorsing the process used by the executive branch to produce this agreement every bit as much as its contents.

In conclusion, Mr. Chairman, I recommend that this distinguished committee and the full Senate undertake three broad actions as part of its advice and consent on the INF Treaty.

First, you should carefully examine the details, including the negotiating record, of this accord. If such an examination reveals, as I believe it must, that the treaty's terms will not produce an equally binding and verifiable zero outcome, the Senate should not hesitate to insist upon changes in such terms. After all, as such an outcome is the stated purpose of this agreement, changes of this type should not pose insurmountable negotiating difficulties.

Moreover, the argument against seeking such changes usually makes the following point: Negotiation is a process of compromise. We accept some things we do not like in exchange for the Soviets doing the same. Unfortunately, as our experience with SALT II, among other accords, clearly shows, the Soviets tend to violate those parts of accords we regard as our wins and observe strictly the parts they like. To the extent Congress then obliges the United States to comply with the portions of treaties the Soviets are not violating, for example, the SALT II sublimits, it not only makes a mockery of international law, it also fundamentally erodes the basis upon which the negotiation was conducted.

By insisting on changes now to the INF Treaty, changes which are entirely consistent with the general commitments the Soviets themselves have made, the Senate can both shore up the negotiating process and strengthen the prospects for Soviet compliance with the INF Treaty.

Second, I believe you should assess whether the negotiating process which produced this agreement is one which should be employed to secure other arms control treaties in the future. Should the Senate conclude, as I have, that negotiating under a deadline and via mechanisms other than the formal one is not in our interest, it should make clear its objection to the approach now being utilized by the administration to finish a START agreement, a new set of protocols for the Threshold Test Ban Treaty, and who knows what all else.

Finally, Mr. Chairman, and I very much appreciate your patience, you should illuminate both our friends and adversaries on where the Senate stands with regard to certain issues of enormous military consequence. I would suggest you endorse the following, for starters:

That we remain committed to an effective, survivable nuclear deterrent based in Europe. To this end, the United States will eschew future negotiations aimed at eroding the credibility of our theater nuclear forces. We will also provide the leadership and the financial support needed to ensure that these forces are modernized at the earliest possible moment.

Second, we will never again engage in a double-track decision. The agony of the debate over the deployment and arms controlling of the INF systems, if not the $6 billion plus spent on acquiring, fielding and now dismantling these weapons should be argument enough against its repetition.

Henceforth, weapons modernization should be undertaken where needed and unencumbered by express commitments to forego such modernization as part of an arms control process. Naturally, if, once a decision to modernize our forces has been made and implemented, the military requirement for the improved capability is changed, as a result either of arms control or some other circumstances, adjustments can always be made in these forces.

And finally, I hope that you will say something, you will do something to make explicit the tie between Soviet compliance with this agreement and continued U.S. adherence to it. We cannot afford, in my view, continued double standards to be applied to future arms control accords.

I thank you very much, sir.

[The prepared statement of Mr. Gaffney follows:]

PREPARED REMARKS BY FRANK J. GAFFNEY, JR.
SENIOR FELLOW, THE HUDSON INSTITUTE

I am grateful for the opportunity afforded me to bring to this important Committee's attention my views on the Treaty on Intermediate- and Shorter-range Missiles. From what I know of testimony you have heard thus far, my perspective may be unique.

That perspective has been profoundly influenced by the several positions I have been privileged to hold. My seven months as the Assistant Secretary of Defense, Designate, for International Security Policy -- the senior official of that department responsible for arms control matters -- and over four years as the Deputy Assistant Secretary of Defense for Nuclear Forces and Arms Control Policy, permitted me personally and directly to involve myself in the formulation and negotiation of this treaty.

Just as importantly, my seven years spent in service to this Committee and one of its most distinguished members, Senator Henry M. Jackson, were instrumental in shaping my thinking about the promise and the perils of arms control and the vital role to be played by the Senate in judging the adequacy of negotiated accords.

I am not among those who oppose the so-called INF treaty (I say so-called because the Treaty does not limit simply Intermediate-range Nuclear Forces; as the committee knows, in one of its more controversial provisions, it also permanently denies us the right to conventionally-armed missiles of intermediate ranges) because it would eliminate treaty-limited missiles. To the contrary, I believe if either of two conditions apply, the "zero outcome" is the only acceptable one:

1) Must there be an arms control agreement affecting such forces?

In my view, there are good reasons -- many of which the Committee has heard previously -- why there should not be arms control limitations on INF missiles. For example, the mobility and ease of concealment of such missiles and the important military and political role our Pershing II's and Ground-Launched Cruise Missiles play in the strategy of Flexible Response argue powerfully that arms control in this area will be either extremely difficult or undesirable or both. Alternatively, there is considerable merit to the argument that, if there is going to be an arms control accord affecting these forces it should come after conventional or strategic imbalances have been addressed.

I believe, nonetheless, that -- for good or ill -- we are politically committed to having an arms control agreement on INF missiles at the earliest possible moment. This is one of the direct and perhaps most undesirable consequences of NATO's "Double-Track" decision of 1979.

2) Must we have confidence that the Soviet Union is complying with any arms control limits affecting INF missiles to which we might agree and that, if they do not, we will be able relatively easily and persuasively to establish that they are in violation?

It is one of the remarkable ironies of our experience with U.S.-Soviet arms control that this question need even be posed.

As this Committee well knows, the Soviets have violated virtually every arms agreement they have signed. The well- established pattern of selective Soviet compliance with their commitments regrettably obliges us to expect them similarly to pick and choose to which of the INF Treaty's provisions they will adhere.

I believe that, if we are going to submit to arms limitations on our INF systems, we must insist that such limitations apply equally to the Soviet Union. Moreover, if -- as past experience suggests they will -- the Soviets try to cheat on an INF agreement, we must be able readily to ascertain that they are doing so and to document it authoritatively.

If these conditions do, in fact, pertain, then I regard the global banning of INF missiles to be the only way to proceed. An arms agreement with this structure -- provided its details permit the "zero-outcome" structure to be fully realized -- would reduce the threat posed by the awesome Soviet INF missile force while enormously simplifying the associated monitoring tasks. Crucial to achieving the latter objective is the creation of a stark, binary condition: no treaty-limited systems are permitted, period; any evidence of same is by definition a violation.

Assuming such a treaty is not permitted to become a vehicle for dismantling our remaining nuclear forces in Europe or otherwise preventing their modernization (an important issue to which I shall return at the end of these remarks), I believe a genuine "zero outcome" INF accord to be consistent with our security interests and those of our allies.

For me, the issue before the committee now is fairly simple: Do the details of the INF Treaty fully realize and implement the "zero outcome" structure? In my judgment, in important respects, they do not.

As the Armed Services Committee's principal responsibility is in assessing the military implications of this Treaty, I will focus my attention on relevant aspects of this accord and the process which produced it. These represent but a few of the problematic elements of this accord identified in a review conducted by a working group I chaired under the sponsorship of the American Enterprise Institute. (Copies of this review have been made available to every Senator.) Permit me to begin by identifying several important "disconnects" between the general obligations entailed in the structure of the INF Treaty on the one hand and key provisions in its details on the other which may prove to be of considerable military significance.

- **The INF Treaty's general provisions ban production of limited systems yet the Soviet Union is uniquely permitted by the Treaty's details to continue to produce a missile stage indistinguishable from that of its principal INF missile -- the SS-20.**

The similarities between the banned SS-20 and the currently unlimited, intercontinental-range SS-25 greatly exacerbate the verification uncertainties inherent in this Treaty. Were the SS-25 to be banned in the Strategic Arms Reduction Talks -- as proposed by the United States, present concerns about the SS-25 production, maintenance, deployment and training facilities affording the Soviets ready means of retaining a covert SS-20 force would be greatly alleviated. Absent such a ban, however, the fact that the USSR will retain a legal infrastructure for mobile missiles substantially undermines the intended effect of the "zero outcome."

This reality is made even more troublesome by the Treaty's recognition that at least the first stage of the SS-20 is, for monitoring purposes, identical to that of the SS-25. As we have no right under the Treaty to monitor Soviet rocket motor production facilities anyway, it may not seem particularly important that we have effectively vitiated part of the ban on production as it applies to the USSR. However, in light of its adverse effect on the integrity of the Treaty, on the efficacy of the agreement's constraints and on what intelligence experts call the "background-noise level" which -- as it increases -- degrades our ability to render useful verification judgments, this disconnect appears neither warranted nor justifiable.

Accordingly, I believe the Senate should insist that a condition of ratification of this Treaty is Soviet acceptance that the SS-25 will be banned under a future START agreement. In so doing, the Senate would not only markedly improve the prospects for verifying the INF Treaty, it would also do much to simplify the daunting verification challenge posed by a more militarily significant START accord.

- **The INF Treaty expressly requires the two sides to eliminate their missile launchers, yet the Treaty's details allow the Soviets to retain their entire mobile missile launcher inventory simply by modifying these systems.**

The Soviets secured this right by claiming that they intended to use modified launchers to haul pipes around the USSR; they maintained that, unless granted it, we would enjoy an unfair advantage insofar as we intended to use for other purposes the MAN tractors associated with the Pershing II and GLCM launchers.

In acceding to this Soviet demand, however, we took another major step away from the pristine environment envisioned by the "zero option." Instead of a situation in which evidence of the USSR retaining a single SS-20 launcher, for example, would constitute grounds for charging the Soviets with a violation, we would be faced under this provision with a far more daunting -- if not impossible -- task: We must prove that any of hundreds of launchers observed in the Soviet Union have not had their Treaty-dictated modifications reversed or are otherwise available to launch SS-20's.

Here again, I think the Senate should insist upon a change in the Treaty's details. The Soviet Union should be required to eliminate its launchers in precisely the same way we are disposing of ours -- i.e. by cutting them in half. It is inconceivable that such a stipulation, one both entirely consistent with the general obligation of the INF Treaty and designed to eliminate predictable difficulties in the future over Soviet compliance, would result in the Treaty's rejection by the USSR.

- **The INF Treaty stipulates that there may be no flight testing of limited missiles yet the Treaty's details permit the Soviets to launch 100 intermediate-range missiles for the purpose of destroying them.**

The Administration attaches great importance to the Treaty's flight test ban as a means of denying the Soviets confidence in the reliability and effectiveness of any INF missiles they might wish to secret away. Unfortunately, in agreeing to the Soviet Union's demand that the accord permit them to dispose of at least 100 INF missiles by flying them to destruction, we have seriously compromised this feature of the INF accord. Indeed, we have offered the Soviets through this device an opportunity to design a de facto flight test program so as to maximize their knowledge of and confidence in any covertly stockpiled missiles. Moreover, such results can be obtained even if the Soviets respect the prohibition on telemetered data associated with allowed launches-to-destruction.

The Senate should insist that the Treaty's ban on flight testing not be undermined by allowing 100 intermediate-range missile flights. It is altogether implausible that the Soviet Union is able to dispose of some 1800 INF missiles through means other than launching-to-destruction but will reject the INF Treaty if we require that they do so with the last 100 such missiles as well.

o The INF Treaty prohibits all armed cruise missiles with the capability to fly between 500 and 5500 kilometers. The Treaty's details, however, afford the Soviets a multitude of options for acquiring and maintaining such systems.

Ground-launched cruise missiles are one of the few areas in which a genuine "zero-outcome" is utterly impractical. Both sides have and/or are acquiring drones, remotely-piloted vehicles and other ground-based, aerodynamic systems which have the inherent capability of flying ordinance to ranges between 500 and 5500 kilometers. Unless the Parties were prepared to give up all such capabilities -- which we would be extremely ill-advised to do, there will be no such thing as an effective and verifiable ban on "armed" GLCM's. The difference, however, is that we can be sure the Soviets will exploit these non-Treaty-limited capabilities; on our side, great pains are already being taken to constrain U.S. programs so as to ensure that their weapons delivery potential remains undeveloped.

To summarize: It will be impossible to retain needed systems like drones and still verify a ban on conventionally armed cruise missiles. Such missiles could be an increasingly important component of NATO's conventional defense capability and should not be banned under an agreement designed to eliminate nuclear systems. Therefore, particularly in light of the fact that the present Treaty language does not avoid the verification problem cited as the rationale for banning conventional GLCM's, the Senate should amend the treaty so as to exclude from its constraints conventionally armed cruise missiles.

o The INF Treaty is represented as having afforded us an opportunity to review and agree upon Soviet-supplied force data before the accord was signed. This fact, together with the obligatory monitoring of elimination processes, is said to give us confidence that the Soviets have disposed of all declared systems. The Treaty's details, however, reveal that the force data which will count for monitoring purposes has yet to be received -- and could well be quite different from that which we obtained prior to Treaty signature.

The reality is that there is a "data gap." If the Soviets were to tell us in the data exchange supplied thirty-days after the Treaty enters into force that they had eliminated hundreds of INF missiles before we were entitled to exercise our right to monitor such elimination, we would have, as a practical matter, no recourse but to accept their claims. There is already plenty of reason to disbelieve the numbers of INF systems the Soviets declared were in place as of November 1, 1987; should the USSR choose to exploit this "data gap," the quantity of weapons whose elimination we are allowed to observe may bear even less relationship to real Soviet INF capabilities.

Fortunately, the serious potential for mischief in this area can be readily reduced. All that would be required is Soviet agreement either that they will permit us to monitor the elimination of any INF systems disposed of prior to the Treaty's entry into force or that they will not eliminate any such systems until the Treaty has come into effect. The Senate should direct that an understanding along these lines be promptly secured.

o The INF Treaty has a provision, Article XIV, which is subject to fundamentally different interpretations. Depending on the reading of this Article, it could represent inconsequential "surplussage" or constitute a commitment with profound implications for defense relationships with our allies.

The Committee has already heard considerable and conflicting testimony on this point. I share the view of those witnesses who have argued that prudence dictates that the meaning of Article XIV be clarified at once and formally with the Soviet Union. The risks for crucial alliance programs of cooperation -- conventional and nuclear -- of leaving this provision with its present ambiguity are too great to do otherwise.

o The INF Treaty is described by its advocates as a breakthrough in verification insofar as it provides unprecedented rights to conduct on-site inspections in the Soviet Union. The Treaty's details, however, so severely delimit the scope of permitted inspections as to make them little more than tours of Potemkin villages.

The INF Treaty verification regime permits on-site inspections only at declared facilities and certain sites formerly associated with Treaty-limited systems. This regime emerged because, in the end, the United States acceded to the Soviets' adamant refusal to accept short-notice visits to non-declared areas. As a result, the vaunted on-site inspection procedures of this agreement amount to a U.S. right to visit those places where we can be reasonably assured Soviet cheating will not take place. If we believe that something inconsistent with the Treaty's terms is going on at another place in the USSR, we will have no right to conduct short-notice, on-site inspections there.

Some have suggested that the failure of the INF Treaty to provide for "suspect site" inspections was actually due to the resistance of U.S. agencies, not Soviet intransigence. While it is true that concerns have been voiced about the costs versus the benefits of a sweeping, comprehensive "suspect site" regime, every agency in the U.S. government agreed that the Administration's position which called for the right to conduct short-notice, on-site inspections at any facility associated with ballistic missiles over 500 kilometers range could be safely and usefully implemented.

I regard such a regime as essential if we are to have any hope of making Soviet cheating on the INF Treaty inconvenient, costly and hopefully, thereby, unattractive. Should such considerations not prove sufficient to deter Soviet non-compliance (as has too often been the case in the past), this type of "suspect site" inspection right seems to me to offer the lowest acceptable probability of producing the evidence required to document a violation.

Consequently, I believe that the Senate should condition its acceptance of the INF Treaty upon Soviet agreement to a modest but vital "suspect site" inspection right, i.e., the right to conduct a specified number of short-notice inspections at sites associated with ballistic missiles over 500 kilometers in range. This stipulation will do much to restore some effectiveness to the verifiability of this agreement; it will also establish a crucial precedent for the more important START accord.

Interestingly, in the Joint Statement issued at the end of the Washington summit last fall, the Soviets agreed in principle to incorporate procedures for "suspect-site" inspection into the START Treaty. That statement, if made by the USSR in good faith, makes untenable the argument that the Soviet Union would never accept such procedures and that the Senate's insistence upon them in this Treaty would represent a "killer amendment." Instead, it comes down to a straightforward judgment call: Is an agreement which obliges us to remove from Europe our most effective theater nuclear forces important enough to have the best verification arrangements we can develop? In my view, the answer must be "Yes."

* * * * *

Taken separately, each of these examples of important discrepancies between the stated purpose of the INF Treaty and the rights accorded the Soviet Union by its detailed provisions are objectionable. Taken together, however, I believe they will permit the USSR to retain a militarily significant INF force long after NATO's counterpart systems have been eliminated.

As the Armed Services Committee contemplates how the Soviets might retain such a force and the military implications of their doing so, I submit the experience of the Soviet Union's covert deployment of the SS-16, the three-stage ICBM from which the two-stage SS-20 was derived, should be borne in mind.

We now know that the SS-16 was maintained in the USSR's strategic forces inventory for many years without flight testing or observed operations and in violation of the SALT II Treaty. Were the Soviets to deploy illegal SS-20's in the same fashion as they did the SS-16, in garages or other shelters at some non-declared facility, and to forego flight-testing of such missiles, they could retain for years militarily-significant forces at a level of readiness and reliability comparable to that they accepted for the SS-16.

I emphasize that what is important here is what the Soviets are prepared to accept in terms of system reliability and availability -- not what the U.S. military would do or believe in similar circumstances. The Soviets' confidence in covertly deployed SS-20 forces could, moreover, be further enhanced were crews assigned to these systems to be rotated through legal training, maintenance and deployment facilities associated with the very similar SS-25 ICBM.

To the extent the INF Treaty's details will simplify the Soviets' task in preserving such forces (e.g., by allowing continued production, retention of launchers, testing for reliability through launches to destruction, etc.) and make more difficult the job of U.S. intelligence in discriminating between allowed activities and prohibited ones, the probability greatly increases that the Soviet Union will cheat on the INF Treaty. As a supporter of a "zero-option" INF accord, I regard the correction of these deficiencies and others noted in the AEI review as crucial to an acceptable Treaty -- a Treaty whose details ensure that the purposes described in the general language will be achieved.

Ironically, should the Senate fail to insist upon the sort of changes I have described and, instead, agree to the ratification of the INF Treaty in its present form, there is a **very real possibility that the effect would be the same *militarily* as the dire result predicted if the Treaty were defeated: zero missiles on our side while substantial numbers remain in the Soviet Union.** The already considerable political and strategic costs to the Alliance wrought by the implementation of the 1979 "Double-Track" decision -- a decision to cobble a necessary force modernization program with arms negotiations -- would soar if the ultimate effect of this nine-year trauma were to be that the alliance's security posture is returned to the *status quo ante*!

Consequently, I believe the Senate should not be buffaloed into accepting a flawed INF Treaty on the grounds that no amendments are acceptable (either to the Reagan Administration or to the Soviet Union) and that the alternative -- rejecting the present accord -- is unthinkable as it would leave the USSR with a monopoly on INF missiles. Such simplistic propositions do not jive with reality.

For example, the American Enterprise Institute review has identified several places in the Treaty where simple drafting errors exist. It is inconceivable that either the Administration or the Soviets would be so foolish as to argue that correction of these defects will undo the agreement. If not, as long as we have to reengage the Soviets to fix such problems anyway, there is no reason why other, more significant deficiencies cannot also be corrected. Despite their predictable objections, the Soviets would be hard pressed to refuse good-faith efforts to bring the Treaty's details into conformity with its stated purpose.

Moreover, if the ultimate result of ratifying a defective INF agreement is materially the same as would be expected if we reject it -- namely they have missiles and we do not, then the Senate has little to lose and the Alliance has much to gain from seeking corrective measures designed to provide a real "zero-outcome."

In fact, the stakes extend far beyond restoring the integrity of the INF Treaty. I believe the most serious problems with this accord's details can be traced to negotiating sessions held during the frenzied "end-game." For example, decisions such as that to legitimize continued production of SS-20 first-stages, to grant the Soviets a permanent monitoring site in the United States when we had no facility comparable to their Votkinsk final assembly site, to give up any on-site suspect site inspection regime, to make an ambiguous commitment not to assume "undertakings" which would conflict with the Treaty -- decisions which reduce the effectiveness of the Treaty's limitations, their verifiability or otherwise set the stage for future squabbles over compliance -- all were taken ***after*** we had agreed that the INF Treaty would be signed on December 8, 1987.

In other words, we completed the negotiation of some of the Treaty's most important details under a self-imposed, artificial deadline. Unfortunately, the Soviets are adept at exploiting such a tactical situation; by remaining intransigent, introducing new "non-negotiable" demands or reopening matters previously resolved, they can wait for the relentlessly mounting pressure to finish the agreement to bring about new flexibility on the U.S. side. In a noteworthy display of chutzpa, if not outright contempt, the Soviets' INF negotiator, Ambassador Obukhov, on repeated occasions maximized the effect of these tried-and-true Soviet tactics by scheduling and then failing to appear at end-game negotiating sessions.

While such use of deadlines is increasingly seen as the only way in which domestic legislation can be enacted, I believe it is an irresponsible and dangerous means of producing arms control agreements. In particular, I find opprobrious the argument that such a negotiating approach is actually beneficial insofar as, absent some sort of deadline, interagency objections to U.S. concessions could not be overcome. In my judgment, if adjustments in our positions cannot be justified on their merits, they should not be effected simply because we feel obliged to do so in order to reach agreement by a date certain.

And yet, if the Senate were to rubber-stamp the INF Treaty -- identified defects and all -- it would be effectively endorsing such a sentiment. What is more, the deleterious effects of this endorsement would not be limited to the present agreement alone. To the contrary, precisely the same approach and mechanisms that gave rise to many of the flawed details of the present accord are even now being applied to the negotiation on the infinitely more militarily important treaty reducing strategic arms.

For one thing, the United States and the USSR agreed as a practical matter at the Washington summit to set a deadline for completion of the START agreement -- by the middle of 1988. For another, the two nations will again employ the following devices (among others) to propel this enormously complex treaty to completion:

o **Ministerials at which the Foreign Ministers of the United States and the Soviet Union meet privately or accompanied by one aide (for the United States, usually the President's National Security Advisor) to negotiate key matters in dispute.** As a general rule, the accompanying substantive experts -- including the responsible U.S. negotiator -- are only informed about what the principals have decided after the fact.

o **Meetings between special envoys designed to "accelerate" the progress being made in the formal negotiating channels.** The relationship between such sessions and the duly constituted negotiations is often confused, at best.

o **Working-group sessions, usually held on the margins of Ministerial meetings or summits.** These sessions tend to deteriorate into negotiating free-for-all's in which changes in U.S. positions frequently get made without authorization or coordination. Altogether too often, opportunities to extract a concession from the Soviets in exchange are lost in the undisciplined, even chaotic behavior frequently exhibited by U.S. participants in these events.

These several mechanisms pose common perils to U.S. interests whenever they are employed to negotiate crucial aspects of arms control agreements. They all tend to repose decision-making responsibility in the hands of individuals largely unfamiliar with the relevant technical esoterica and negotiating history. They all remove the formulation and communication of U.S. positions from a systematic and orderly interagency process in which every relevant department is given a voice. They all exacerbate the tendency toward hastily arrived at, lowest-common denominator solutions to negotiating problems -- solutions which rarely conform to the outcomes we had sought.

A number of leading Senators have expressed concerns that the Reagan Administration's headlong pursuit of a treaty reducing strategic arms might give rise to a militarily unsound START agreement. They are right to be concerned. Yet, unless the Senate is willing now to address critically the problems created when this same approach was employed to complete the INF Treaty, the Administration will perceive no disincentive to employing it again in START. To the contrary, were it to rubber-stamp the INF accord, the Senate would be implicitly, if not explicitly, endorsing the process used by the executive branch to produce this agreement every bit as much as its contents.

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In conclusion, Mr. Chairman, I recommend that this distinguished Committee and the full Senate undertake three broad actions as part of its advice and consent on the INF Treaty:

First, you should carefully examine the details of this accord. If such an examination reveals -- as I believe it must -- that the Treaty's terms will not produce an equally binding and verifiable "zero outcome," the Senate should not hesitate to insist upon changes in such terms. After all, as such an outcome is the stated purpose of this agreement, changes of this type should not pose insurmountable negotiating difficulties.

Second, you should assess whether the negotiating process which produced this agreement is one which should be employed to secure other arms control treaties in the future. Should the Senate conclude, as I have, that negotiating under a deadline and via mechanisms other than the formal one is not in our interest, it should make clear its objection to the approach now being utilized to finish a START agreement.

Finally, you should illuminate both our friends and adversaries on where the Senate stands with regard to certain issues of enormous military consequence. I would suggest that you endorse the following for starters:

o We remain committed to an effective, survivable nuclear deterrent based in Europe. To this end, the United States will eschew future negotiations aimed at eroding the credibility of our theater nuclear forces. We will also provide the leadership and financial support needed to ensure that these forces are modernized at the earliest possible moment.

o We will never again engage in a "Double-Track" decision. The agony of the debate over the deployment and arms controlling of the INF systems -- if not the $6+ billion spent on acquiring, fielding and dismantling these weapons -- should be argument enough against a repetition. Henceforth, weapons modernization should be undertaken where needed and unencumbered by express commitments to forego such modernization as part of an arms control process. Naturally, if -- once a decision to modernize our forces has been made and implemented -- the military requirement for the improved capability is changed as a result of arms control or other factors, adjustments can always subsequently be made.

Mr. Chairman, permit me again to express my appreciation for the opportunity you have afforded me to be in the presence once again of the Armed Services Committee for which I have such deep personal affection and professional esteem. I hope my views will be of some assistance to this Committee and the Senate in the course of your consideration of the INF Treaty.

Chairman NUNN. When we get to the questioning, I would like you to think about some specifics in regard to that last point. I think we all agree to that principle, but it is awfully hard when you get to specifics of how you do it.

Mr. Gaffney, thank you very much for your statement. It did take some time, but I think it was time well spent. You pointed out a number of concerns here that deserve our very close attention.

We were delighted that both you and Ambassador Galbraith have given us things to think about.

We are probably going to have more members here in the next few minutes. Our witnesses may or may not know, but half of our membership, the Democratic half, was here last night going from cot to floor voting on rather innocuous procedural motions, and the other half of our committee was out trying to avoid arrest by the Sergeant at Arms.

The question of which mission was more noble in the interest of the country is open for future historians to decide. Nevertheless, we are all interested in your testimony, and I am sure that it is very meaningful.

Dr. Van Cleave.

Senator WARNER. Mr. Chairman, I would join you in commenting on the thoroughness and the conviction with which our former staff assistant, Mr. Gaffney, spoke.

STATEMENT OF DR. WILLIAM R. VAN CLEAVE, UNIVERSITY PROFESSOR AND DIRECTOR OF THE CENTER OF DEFENSE AND STRATEGIC STUDIES, SOUTHWEST MISSOURI STATE UNIVERSITY

Dr. VAN CLEAVE. Thank you, Mr. Chairman. I appreciate the opportunity and privilege of appearing again before this distinguished committee to express my views on an arms control agreement, this time the INF Treaty, and on its direct and indirect implications for U.S. national security.

In the interest of time, I will compress my statement to about 10 or 15 minutes, and submit the complete statement for the record. I am able to do that because both my colleagues have already made major points that I, myself, would indeed make, and I do not need to reiterate those points.

There are issues grouped around two types of questions at least, as you well know:

One, is the agreement sound in principle, or do its political and military costs and risks outweigh its possible benefits?

And two, is it soundly written, or should corrections be made and conditions for ratification be established by the Senate.

Ambassador Galbraith has argued negatively principally on the first and Mr. Gaffney on the second. I would base my testimony on both of the questions.

I do believe that the costs and risks of the agreement outweigh its benefits, and I also believe that the agreement as written or formulated does require corrective Senate action.

One can surely favor the agreement in principle and conclude that it contains flaws that warrant corrective action. As Mr. Gaffney has said and I, myself, would reinforce, if this committee and/or its individual members do not do it, it simply will not be done.

From what I can tell, this treaty is going to be approved by a wide margin, but it certainly can be improved, and needs to be improved, and the risks that we run with the treaty can certainly be reduced as well as can the ambiguities in its language..

When the late Senator "Scoop" Jackson summoned me to Washington from Europe in the summer of 1972 to testify on the SALT I agreements, he did not expect to change any votes. He felt however, that it was important, at least, to get the shortcomings of the agreements and reasons for concern about the agreements on the record; to warn on the record that the agreement were, in fact, unlikely to do what the administration claimed that they would do; and to help lay the groundwork for the Jackson amendment which, while it made no changes in the agreement and established no substantive safeguards, at least turned out to be quite useful in principle in later consideration of arms control agreements by the Senate.

I will address the treaty itself briefly in a moment, but let me preface this with a few general considerations that I believe bear on the more specific question of the INF agreement.

This agreement, in my view, should not be evaluated outside of the context of our experience with the Soviet Union in arms control or our knowledge of Soviet strategic objectives.

It seems that every time we have a new arms agreement, there is a tendency among many to ignore our experience and our knowledge; yet, we have had a rich learning experience about the Soviet approach to arms control, and we have gained extensive knowledge about Soviet strategic motivations and objectives.

An examination of the agreement, therefore, should go beyond the terms of the agreement itself to consider Soviet motivations and objectives.

During the 1970s, I think it is clear by now, the Soviets successfully used the arms control process, including the SALT I agreements, to enable them to proceed with an unprecedented strategic modernization, free of having to compete with an American ABM or with very vigorous Western offensive force modernization programs.

I believe that there is ample reason to suspect that they hope to continue with that practice. In fact, it seems to me very likely that the Soviets' view of this agreement extends beyond the terms of the agreement and leads them to believe that it may undercut deeply NATO strategy and very possibly bring about eventual denuclearization of U.S. forces in Europe while at the same time the Soviets will be accelerating their own strategic modernization programs, offensive and defensive.

If what the Soviets accomplish is "only" the scuttling of NATO theater nuclear modernization options, the resulting inability to provide U.S. forces in Europe with the best defense against manifest threats will progressively generate pressures to remove those forces.

That is why effective NATO military modernization programs, both theater nuclear and conventional, both offensive and defensive, are so vital to the alliance. They are without this agreement, and they are even more so with the agreement. These modernization programs, effectively legislated, should be made a condition of your consent to the agreement.

You have heard the possible benefits of the agreement from witnesses; the assumed elimination of a larger number of threatened Soviet missiles by the Soviet side. However, I would caution that one should be careful of the fallacy of treating hopefully expected futures as if they were present realities.

The Soviets have in the past traded promises of future reductions in their military programs in return for immediate constraints on U.S. programs, and then have not carried out the reductions. Soviet leaders may not, in fact, expect they will have to carry through the reductions called for in the agreement.

On the other hand, the Soviets expect political and strategic gains from this agreement that would more than compensate for the reductions, assuming they carry them through. These include:

The weakening of NATO's political cohesion;

The unraveling of NATO's strategy of flexible response;

Increased pressures in Europe for denuclearization or at least against nuclear modernization;

A new period of détente or Ostpolitik which would dull Western competitiveness while providing the Soviets with the benefits of trade, technology transfer and financial credits;

Self-imposed constraints on U.S. and allied arms programs beyond those called for by the treaty; and

Finally, the elimination of an important and unique NATO military capability which the Soviets regard as a major threat to their own strategy, plus the elimination of prospects for NATO's modernizing and improving that capability.

All in all, these will increase the stress on already unfavorable strategic nuclear force and conventional force balances while reducing rather than promoting the prospects for their modernization.

It may not be reasonable to object to an agreement covering INF forces on the ground that it does not correct the strategic and conventional force imbalances, but it is certainly reasonable to assess the INF agreement in the context of those imbalances and to ask whether the agreement would magnify the imbalances.

In my view, the agreement will do so, and that is why, again, I believe it essential to link its ratification, if it is to be ratified, with improvement of the strategic nuclear and conventional balances, in one way or another.

Another point I would make is that the Soviets may be reducing forces, but they are not eliminating the capability or threat, while the U.S. will be eliminating a particular capability. There are many Soviet weapons ungoverned by the agreement that can compensate for any reductions in INF that take place. The most obvious, of course, and the most obvious loophole in the agreement, is the SS-25.

The SS-20 and the SS-25 are related systems, sharing an indistinguishable first stage and very possibly a compatible front end. They differ mainly in range-payload, but that may be more a matter of configuration: The SS-25 is a single warhead ICBM, which in a three warhead MIRV version becomes an IRBM. The SS-20 is a three warhead IRBM that may become an ICBM in a single warhead version.

The SS-25 is a free weapon for the Soviets to continue to deploy. Depending upon the START agreement, the Soviets may deploy enough to substitute for the eliminated SS-20s.

The INF agreement, moreover, does not merely exclude the SS-25 as an ICBM from its limitations, but it also allows the SS-25 in a variable range IRBM/ICBM configuration; in effect, a more modern SS-20.

Whatever assurances administration spokesmen may have given you about this problem, I believe that any common sense reading of the language of the agreement indicates that this is, indeed, a loophole that exists.

The treaty, of course, also permits the conversion of existing SS-20 bases to SS-25 bases without limit, so far as I can tell, thereby legitimizing the support structure for an expanded SS-25, or SS-25 variable-version, threat.

Given the history of the Soviet mobile missile program—the SS-16, SS-20 and SS-25—the operational similarities and interchangeabilities result in glaring loopholes.

On the NATO side, however, the treaty would eliminate a unique capability and also the option to improve that capability. This capability limitation extends beyond the Pershing II and GLCM to include future long-range conventional cruise missiles.

To appreciate the importance of the weapons we would remove, we should understand the reasons they were deployed in the first place and recognize the additional importance they acquired through the political process that led to their deployment.

To portray the decision to deploy the U.S. INF as merely a response to the SS-20, or in terms of a two-track tradeoff decision, is to take what became a political description of reality and confuse it with reality.

During the 1970s in recognition of an expanding threat, NATO conducted important studies of new capability requirements which led to modernization plans and proposals. Many of these studies were sparked by the 1974 report on NATO by Senator Nunn, which led to the Public Law 93-365 report to Congress by Secretary Schlesinger which focused on the need for both conventional and theater nuclear improvements.

For over a decade, theater nuclear and conventional modernization had lagged in NATO, while the Warsaw Pact had expanded both offensive and air defense capabilities.

In the 1970s, NATO studies led to alliance decisions calling for fairly extensive theater nuclear force modernization for both short- and longer-range systems.

One of the major considerations driving these requirements was the development of a qualitatively as well as quantitatively new offensive threat to Western Europe, based both upon the Pact capabilities for delivering counterforce fire power and for concentrating forces into maneuvering groups to break through NATO front line defenses.

It was also correctly anticipated at the time that improvements in Soviet and Warsaw Pact air defenses would greatly reduce the role that aircraft could play against those threats.

Thus, it was firmly concluded that we needed in Western Europe systems such as the Pershing II and GLCM to put at rest Pact offensive threats that we believed at the time we could not defend against.

These requirements existed, then, for reasons separate from and in addition to the SS-20s. There were strategic reasons for the new INF beyond the need to offset SS-20 deployments. Neither theater-based aircraft nor reliance on U.S. strategic forces would suffice, nor were seabased forces such as sea launched cruise missiles deemed adequate. Those conclusions were carefully and collectively reached at the time.

The INF missiles are valuable for a certain critical type of targeting capability and because they were believed generally, whatever your individual judgment, that they are more credible for that use than forces based at sea or in the United States.

The military importance of these weapons increased subsequently as the threat continued to expand and as continued growth in Soviet strategic nuclear superiority reduced even further the attractiveness of reliance on U.S. strategic forces for theater targeting.

The political element then increased yet again the importance of these forces, as we and our allied governments emphasized their importance in order to win the struggle to deploy the systems.

This turned out to be a major political victory for the alliance over determined Soviet opposition; but one should not isolate the importance of these systems from the political struggle waged by our allies on behalf of their deployment.

In this process, the military and strategic importance of these systems was emphasized. They were described as essential to a successful deterrent strategy of flexible response.

Perhaps individually some of you believe that this was exaggerated, but the weapons did acquire politically a far greater importance in strategic terms than they may even have had in strictly military terms, and this importance became real.

Now, we would overturn this and overturn as well the major political victory won by the deployment of the systems, a victory that seemed for a time to affirm that NATO collectively could proceed with theater nuclear force modernization. In my view, this is likely to reduce greatly the prospects for future theater modernization.

The strategic consequence of the agreement will be to place greater reliance on U.S. strategic nuclear forces for extended deterrence, on the strategic balance, that is, at a time when that balance is decidedly adverse to the United States.

At the other end of the spectrum, it will put more stress on an unfavorable conventional force balance.

Former Secretary of Defense Schlesinger in his testimony to this committee on January 26 pointed out, and I agree, that the INF agreement expands the role in overall nuclear deterrence that must be played by U.S. strategic forces.

The role of these forces in providing extended deterrence, he said, is therefore an increasingly preponderant one.

If we are to shift back to increased reliance on U.S. strategic forces, then we certainly need more urgent and far-reaching strategic force modernization programs than we now have, and we need urgently to do something about the defenselessness of the United States against ballistic missile attack, including the vulnerability of U.S. land-based forces, since extended deterrence to the extent that it relies on U.S. strategic forces cannot be viable with a defenseless United States.

At the other end of the spectrum there exist many sensible plans or proposals for conventional force modernization and permissible improvement of theater nuclear force capabilities.

These include Senator Quayle's NATO Defense Initiative, the 1987 NATO Conventional Defense Improvements Program, and various programs that the Nunn-Warner amendment encourages, as well as simply following through with the 1983 Montebello force improvements, and returning to earlier plans for deployment in Europe of the enhanced radiation warheads.

I fear, however, that politically it is unrealistic to expect the alliance to go through with such modernization programs at a time when arms control agreements are celebrated as major contributions to security, when the arms control process commands center stage in U.S./Soviet relations, and when the virtue of reductions, per se, in nuclear weapons are so emphasized.

It is rather incongruent to argue that the INF agreement is a good agreement that enhances our security and reduces that threat, and at the same time argue that we must have new arms programs to compensate for the agreement or to cope with an undiminished threat.

European publics are being encouraged to expect more arms reductions, not to support new arms programs.

Also, all of this comes at a time when the United States is itself engaged in a major unilateral reduction in its defense effort due to concern over the Federal budget deficit.

The fiscal year 1989 DOD budget represents the fourth consecutive year of declining U.S. defense budgets in real terms, this time a substantial decrease in the administration's request even before congressional cuts are imposed.

The major cuts in the DOD budget seem to imply that the DOD budget is largely responsible for the budget deficit. I think the facts are otherwise.

In all candor, Mr. Chairman, the Soviet military threat and the continuing buildup of Soviet military capabilities are far greater threats to U.S. wellbeing than the budget deficit.

On the treaty review, even if one supports the agreement in principle, I know that all on this committee agree that careful attention must be given to the specifics of the agreement. In my judgment, it contains loopholes, ambiguities, major flaws that should be corrected in the process of advice and consent. As its stands, the Soviets will have unnecessary opportunities to circumvent the agreement.

We have too much experience with circumvention on the part of the Soviets not to recognize the dangers. Agreements with the Soviets have turned out in practice to be quite different from what the United States thought it had concluded, or at least different from what was described by the administration at the time of Senate action.

We have seen this repeatedly with the issues raised about Soviet activities, beginning with the substitution of the SS-17 and SS-19 for the SS-11 close on the heels of an agreement that was advertised by the administration as prohibiting exactly that.

We must expect the Soviets to exploit every opportunity allowed them by the agreement. It is what they do. We must expect this behavior in the context of our experience to date that the Soviets, first, do not agree to limitations that would constrain achievement of their strategic objectives and, second, when such limitations are desirable for their effects on the United States, the Soviets offer us the delusion of limits while insisting upon language that technically allows them to proceed virtually unconstrained.

This agreement allows great latitude for the Soviets to continue that practice.

It seems to me that the statements of administration spokesmen on the meaning of the treaty can help clarify its provisions, or at least the administration's current view of them, but ought not themselves to be taken as definitive, much less unilaterally binding on the United States.

The Soviets have enough of an advantage in the political fact that agreements always constrain open democratic societies more than totalitarian ones, which will exploit every loophole, without adding to that unilaterally imposed legal restraints that will have no effect on the Soviet Union.

Besides, the record shows that an administration trying to gain congressional approval for an arms control agreement it has conclued is too inclined to describe the agreement as accomplishing more than it really does and at the same time to paper over flaws in the agreement.

As for the INF agreement, I have several examples of major textual flaws. Fortunately for you and for me, I need not go into an analysis of them in my opening statement, although I would be happy to join in such discussion, because you have already received a comprehensive review of these flaws by Mr. Gaffney and by the American Enterprise Institute report.

I would like to make a few comments on the verification and compliance aspects of the agreement, and then conclude with some recommendations.

The treaty appears to have strong and detailed verification provisions, but these are for limited designated sites and, as Mr. Gaffney and Ambassasor Galbraith have pointed out, they also contain severe limits on our ability to verify. These limits, along with the absence of suspect site inspection rights and in the presence of severe shortcomings in our national technical means, should not permit confidence in the verifiability of this agreement. I do not believe it verifiable. And we should expect Soviet concealment and deception, not cooperation.

In any case, there is one lesson that we should have learned well, and that is that verification and compliance do not necessarily equate to one another. Enforceability of compliance with an agreement is a different issue from the ability to verify noncompliance.

The United States still lacks an effective enforcement of compliance policy. Without such a policy, the ability to verify is greatly reduced in value.

Arguments for this treaty seem to ignore the fact of Soviet noncompliance or circumvention of existing arms control agreements, which in effect have become a common practice. The Senate should address this problem, at least in terms of certain types of safeguards; and perhaps even by making its consent to ratification conditional on Presidential certification of Soviet compliance with all existing agreements.

I am, by the way, aware of the problem of having tighter on-site verification provisions in an agreement without at the same time assisting Soviet intelligence operations, and nuisance causing, in this country.

The fact is that the verification provisions of the INF agreement may already be too intrusive for an open society, but they are not intrusive enough for a closed society. Why should we accept the contention that equal verification procedures should be applicable to both societies? Clearly, equal provisions are not equal given the differences in the two societies.

If we are going to place the emphasis we are now placing on deep reductions in forces and at the same time be serious about verification, we will have to have far more comprehensive access to the Soviet Union than is called for by the INF agreement.

But the Soviets should have far less intrusive physical access in the United States, since their information access is already more than adequate. I have no doubt that the Soviets could save money and effort by simply continuing to monitor our open legislative and budgetary processes in order to verify U.S. compliance with the agreement.

To close, these are my recommendations. Personally, I believe this agreement is too likely to be a strategic trap which debilitates the West far more than it reduces the Soviet threat, and I would not wish to see it ratified.

I realize, however, what a minority view this is; although I would not wish to concede ratification of the agreement as it now stands without corrective conditions. Mr. Gaffney has identified many problems to which corrective Senate action could well be directed. And I have suggested certain possible conditions for consent to ratification.

If there is to be an agreement, my own preference would be for an INF reductions agreement that establishes reduced equal ceilings on INF rather than one that eliminates U.S. INF and options to improve it.

This is particularly so, as I have said, because I do not believe the current agreement will, in fact, eliminate corresponding Soviet capabilities.

The zero-zero agreement, I fear, will in practice most likely become a single zero agreement, zero on the Western side and retention of appreciable capabilities on the Soviet side.

The objection to that proposal, I know, is largely a verification one, but I believe the verification provisions for the current agreement to be deficient anyway. In fact, we are really left ultimately with the belief that complying with this agreement is in Soviet interests as the Soviets define them.

So the situation is no different if we allow forces on each side, and I would be far more comfortable if NATO retained INF and the ability to build up short-range INF, and I suspect most Western European military leaders would also.

I would with some ambivalence counsel deferring ratification until there is a sound companion agreement governing strategic nuclear forces, except that I would wish to emphasize the adjective "sound", and I would not wish to encourage the present propensity of the administration to rush through with the START agreement or with Vladivostok-like agreements in principle.

The strategic nuclear balance is too critical to this INF agreement to approve it without knowing the nature of a possible START agreement, including whether it seals off the SS-25 loophole and whether it allows the United States to proceed with a vigorous SDI program or prevents this directly or indirectly.

Short of those suggestions, I would recommend, inter alia, the following.

Of course, close the major loopholes and ambiguities in the agreement, clarify the terms, many of which are ambiguous, and improve the verification procedures.

Demand of the administration a sound and effective compliance policy, including planned safeguards against Soviet noncompliance, and support this policy legislatively; or impose such a policy on the administration if it is, as I suspect, incapable of providing one.

Require comprehensive programs for strategic force modernization on a higher priority than now exists.

Resist efforts to reduce defense spending.

Approve and fund a NATO nuclear and conventional force modernization plan such as the NATO Defense Initiative, and carry through with the Montebello modernization agreements.

Of course, modify the agreement to permit nonnuclear long-range GLCMs.

I would resume enchanced radiation warhead production, authorizing warheads for the 155, and require the administration to work out an arrangement with the allies for deployment of ER warheads in Europe. The purpose of those warheads in the first place was to bolster defense against attacks while lowering collateral damage, and they are needed even more with the removal of INF.

Proceed with development and deployment of theater defenses against air breathing and missile threats. As I said, one of the major reasons for the deployment of LRINF in the first place was the conclusion at the time that cost effective means for defending against Soviet air and missile threats were not then comparable to LRINF options enabling us to attack the threats at their source. We are now removing those options, so the earlier decision should be removed, especially in light of advances in defense technology since that time.

In summary, Mr. Chairman, considering both INF and an impending START agreement, in my view we are once again expecting too much from arms control and allowing it to dominate our strategic and military planning. We are attributing too much importance to concluding an arms limitation agreement while the security of the United States and its allies rests far more with factors extraneous to these agreements, including our own defense programs than with an agreement.

Yet, an agreement can greatly influence such factors, including our defense efforts, and that influence, as we have seen in the past, is generally adverse. It will most likely result in a dampening of theater and strategic force modernization programs beyond the actual terms of the agreement and disproportionate conformity to the spirit of the agreement while the Soviets will disregard the spirit and probably also the letter of the agreement.

Thank you.

[The prepared statement of Dr. Van Cleave follows:]

PREPARED TESTIMONY OF WILLIAM R. VAN CLEAVE

Mr. Chairman, I appreciate the opportunity and privilege of appearing before this distinguished Committee to express my views on the INF Treaty and its direct and indirect implications for U. S. national security.

That the argumentation on this agreement crosses political and traditional arms control lines indicates that the issue is a complicated one, and that there are valid points to be made on both sides of it. These points group around two types of questions:

(1) Is the agreement sound in principle, or do its political-military costs and risks outweigh possible benefits?

(2) Is it soundly written, or should corrections and conditions be established by the Senate.

It is certainly reasonable to favor the agreement in principle and conclude that it contains falws that warrant Senate corrective action.

A third question might be added with a view toward future agreements, particularly a possible START agreement: Does this agreement establish unwise precedents -- in substance, language, or verification procedures -- that could adversely affect future agreements?

It is also possible to take an affirmative position on the soundness of both the agreement in principle and the agreement as it is formulated, and still recognize the prudence of safeguards that would improve the prospects for benefit and reduce the risks, including the risk of Soviet circumvention and break-out.

I will address these points momentarily, but let me preface them with a few general considerations that I believe bear on the more

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Dr. Van Cleave is University Professor and Director,Center for Defense and Strategic Studies, Southwest Missouri State University, Springfield, Mo., and Senior Research Fellow, Hoover Institution, Stanford University specific question of the INF agreement.

This agreement should not be evaluated outside of the context of our experience with the Soviet Union and arms control, or our knowledge of Soviet strategic objectives. It seems that every time we have a new arms agreement, there is a tendency among many to ignore our experience. We focus on the putative benefits and the specific limitations and underemphasize our experience. Or, it is asserted that we are dealing with a different Soviet leadership and a moderation of Soviet goals, a message we have heard repeatedly over many years.

Yet, we have had a rich learning experience about the Soviet approach to arms control and have gained extensive knowledge about Soviet strategic motivations and objectives, especially since the "B Team" and the subsequent improvement in our intelligence. This experience and knowledge require questions about Soviet motivations and goals, and about likely Soviet behavior towards any arms agreement.

It was not long ago -- 1982 -- that President Reagan concluded publicly that "the Soviet Union has used arms control negotiations primarily as an instrument to restrict U. S. defense programs, and in conjunction with their own arms buildup as a means to enhance Soviet power and prestige." And it was even more recent -- 1985 -- that the Central Intelligence Agency warned that "Soviet leaders view arms control policy as an important factor in advancing their strategy of achieving strategic advantage. Moscow has long believed that arms control must first and foremost protect the capabilities of Soviet military forces relative to their opponents."

If these conclusions are true, and I believe that our experience amply validates them, one must ask and re-ask if they do not still hold true as regards the INF agreement.

I believe there to be no persuasive reasons to conclude at this time that there has been a fundamental change in Soviet political or strategic objectives, including the progressive detachment of U. S. power from Eurasia, the strengthening of Soviet strategic dominance over Europe and Asia, and the negation of NATO's deterrent strategy. There has certainly been no diminishment of the importance the Soviets attribute to military superiority or of the resolve and resources with which they pursue it.

The current emphasis on arms control has created in the West the delusion that Soviet military programs are slackening. Yet, in fact, Soviet programs, including nuclear offensive and defensive ones, continue to grow. U. S. intelligence projects not only their continuation at currently high levels of effort and expenditure, but also continued growth at a rate of 5%-10% per year, depending upon ballistic missile defense (BMD) developments.

While the Soviets speak of eliminating their SS-20, -22, and -23 systems, they are expanding forces capable of substituting for these systems -- forces of both shorter and longer range.

In fact, it seems to me very likely that the Soviets' view of this agreement is that it will deeply undercut NATO strategy and very possibly bring about eventual denuclearization of U. S. forces in Europe, while at the same time the Soviets will be accelerating their own strategic modernization programs, offensive and defensive.

If what the Soviets accomplish is "only" the scuttling of NATO theater nuclear modernization options, the resulting inability to provide U.S. forces in Europe with the best defenses against manifest threats will progressively generate pressures to remove those forces.

This is why effective NATO military modernization programs, both theater nuclear and conventional, both offensive and defensive, are so vital to the alliance. They are without this agreement; they are even more so with it; (**and they should be made a condition of your consent to ratification.**) I fear that otherwise the ratification of this agreement will make such programs less likely, not more likely.

The United States and its allies cannot allow the arms control process to stand in the way of efforts to improve the currently adverse military balance with the Soviet Union. Since the beginning of SALT I, the Soviets have used the arms control process in an attempt to restrain Western modernization, and to facilitate the achievement of Soviet military superiority. The military imbalance today testifies to their success.

During the 1970s, the Soviets used the arms control process, including the SALT I agreements, to enable them to proceed with an unprecedented strategic modernization free of having to compete with an American ABM or with very vigorous Western offensive force modernization programs. I believe that they hope to continue this practice.

There is ample reason for you to suspect that the real reason for the INF agreement and the current arms control emphasis of the Soviet Union is to achieve self-imposed Western constraints on all nuclear and other strategic modernization programs, including -- or especially -- SDI. In this regard, despite apparent Soviet "delinkage," neither INF nor START is really SDI-free. In the Soviet view, SDI is very much connected with these agreements: indirectly at least in the case of INF; most directly, in the case of START.

The Soviet strategic objective today is to consolidate a theater and intercontinental offensive superiority while proceeding with deployment of nationwide strategic defenses, free of the need to compete with a determined SDI deployment program or other vigorous Western modernization efforts.

The Soviets may be willing actually to reduce, or even eliminate, the designated types of theater systems in order to facilitate these strategic objectives. They can, after all, merely substitute other forces. They may also, however, expect that they can achieve this objective merely by promising the reductions, without actually having to carry them out. We have had experience in the past with the Soviets trading promises of future reductions in Soviet forces for present constraints on American capabilities and programs.

Arms limitation agreements with the Soviets commonly do not turn out in practice to be what was advertised at the time of their conclusion. SALT I, e.g., was very different in practice from what was described to the Senate by the Nixon Administration in 1972. It was, for example, supposed to prohibit Soviet substitution of heavy ICBMs for light ICBMs. It did not. The two SALT I agreements were to have led to overall near-term constraints on the Soviet offensive force buildup, and particularly on the development of a counterforce threat against American land-based deterrent forces. They did not do so.

Arms agreements with the Soviets -- as was amply testified to at the time of your consideration of the SALT II agreement -- contain loopholes, ambiguities, and loose definitions -- at the insistence of the Soviet Union. These create in the West at the time of agreement the illusion of limitations, while they leave the Soviets technically free to circumvent the intent and purpose of the agreement, as we saw them.

Even with such permissiveness, the Soviets have still selectively violated their arms agreements with the United States, as the President has formally informed Congress on numerous occasions. The President has reported the Soviets to be in violation of virtually every major contemporary arms control agreement, to the extent that he has termed this a pattern of Soviet violations, which "undercuts the integrity and viability of arms control."

Why should we expect anything different at this time?

The INF Agreement: An Assessment

You have heard the possible benefits of this agreement from many witnesses: the elimination of a larger number of threatening Soviet missile systems by the Soviet side (although one should be careful of the fallacy of treating hopefully expected futures as if they were present realities). But the Soviets probably expect political and strategic gains that more than compensate. These include:

* the weakening of NATO's political cohesion;

* the unraveling of NATO's strategy of flexible response;

* increased pressures in Europe for "denuclearization," or at least against nuclear modernization -- which would result in increased pressures in the United States for force reductions or removal;

* a new period of detente, or Ostpolitik, which would dull Western vigilance and competitiveness while providing the Soviets with the benefits of trade, technology transfer, and financial credits;

* self-imposed constraints on U.S. and allied arms programs beyond theater nuclear modernization programs;

* finally, the elimination of a unique NATO military capability, which the Soviets regard as a major threat to their own strategy, and the concurrent elimination of prospects for NATO's modernizing and improving that capability.

All in all, these will increase the stress on the already unfavorable strategic nuclear force and conventional balances, while reducing, rather than promoting, prospects for their modernization.

It may not be reasonable to object to an agreement covering INF forces on the grounds that it does not correct the strategic and conventional force imbalances; but it is certainly reasonable to assess the INF agreement in the context of those imbalances, and to ask whether the agreement will magnify the imbalances. In my view, the agreement will do so. That is why I believe it essential to link its ratification, if it is to be ratified, with improvement of the strategic nuclear and conventional balances -- in one way or another.

Another point I would make is that the Soviets may be reducing forces, but they are not eliminating a capability or the threat; the United States will be eliminating a particular capability.

There are many Soviet weapons, ungoverned by the agreement, that can compensate for any reductions in INF that take place. The most obvious, of course, and the most obvious loophole in the agreement is the SS-25. The SS-20 and the SS-25 are related systems, sharing an indistinguishable first stage and very possibly a compatible front end. They differ mainly in range-payload, but that may be more a matter of configuration: The SS-25 is a single-warhead ICBM, which in a three-warhead MIRV version (or with thrust control) becomes an IRBM. The SS-20 is a three-warhead IRBM that may become an ICBM in a single warhead version.

The SS-25 is a free weapon for the Soviets to continue to deploy. Depending upon a START agreement, the Soviets may deploy enough to substitute for the eliminated SS-20s.

This is a specific reason, along with more general concerns about the strategic balance, why many argue persuasively that it makes no sense trying to isolate the intermediate range category of nuclear weapons and that an INF agreement should not be ratified until it is accompanied by a sound START agreement. My problem is not with that principle, but with what seems likely in practice: I do not know how a bad agreement becomes a good one by adding yet another bad agreement to it, and the START agreement as it seems to be shaping up may be more harmful to our security than even this agreement.

The INF agreement, however, does not merely exclude the SS-25 as an ICBM from its limitations, it also allows it as a variable range IRBM-ICBM system. The treaty defines for limitation purposes an intermediate range missile as one whose range capabilities are above 1,000 kilometers but not in excess of 5,500 kilometers. It defines range capabilities as a missile's maximum tested range. If a missile has been tested beyond 5,500 km, it becomes an ICBM, according to my reading of the treaty. To be in IRBM, it must not have been tested in excess of 5,500 km. Therefore, a variable range SS-25, a MIRVed version, an SS-25B, tested above 5,500 km but having intermediate range capability identical to the SS-20 is allowable. Moreover, I believe it may be possible to mate the upper stage of the SS-20, with its guidance package and warheads, which the INF treaty allows the Soviets to retain, with such a missile.

The treaty, by the way, also permits the conversion of existing SS-20 bases to SS-25 bases, without limit so far as I can tell, thereby legitimizing the support structure for an expanded SS-25/SS-25-variable threat. Giving the history of the Soviet mobile missile program -- the SS-16, SS-20, and SS-25 -- the operational similarities and interchangeability result in glaring loopholes.

On the NATO side, however, the treaty will eliminate a unique capability and limit options for responding to the threat. This includes the unwise prohibition on long range, conventionally armed cruise missiles, as well as the impact on theater nuclear systems.

To appreciate the importance of the weapons we would remove, we should understand the reasons they were deployed in the first place and recognize the additional importance they acquired through the political struggles leading to their deployment.

To portrary the decision to deploy the U. S. INF as merely a response to the SS-20, or in terms of a two-track trade-off decision, is to take what became a political description of reality and confuse it with reality.

During the 1970s, in recognition of an expanding threat, NATO conducted important studies of new capability requirements, which led to modernization proposals and plans. Many of these studies were sparked by the 1974 report on NATO by Senator Nunn, which led to the Public Law 93-365 report to Congress by Secretary Schlesinger that focused on the need for both conventional and tactical nuclear improvements.

For over a decade, theater nuclear and conventional modernization had lagged in NATO while the Warsaw Pact had expanded both offensive and air defense capabilities. In the 1970s, NATO studies led to alliance decisions calling for fairly extensive theater nuclear force modernization, for both short and longer-range systems. Major requirements were improved survivability, enhanced effectiveness, lower collateral damage, and deep interdiction missile (not aircraft) systems stationed on Western European territory. There was even serious consideration of mobile IRBMs for the continent.

One of the major considerations driving these requirements was the development of a qualitatively, as well as quantitatively, new offensive threat to Western Europe, based both upon new capabilities for delivering counter-force firepower and for concentrating forces into maneuvering groups to break through NATO front line defenses. It was also (correctly) anticipated that improvements in Soviet/Pact air defenses would greatly reduce the role that aircraft could play against those threats.

One of the options then considered, which I will touch upon in my recommendations, was to defend against the new air-strike and missile threat. It was ruled out then because it did not seem to compare in cost-effectiveness with the alternative of deploying offensive systems that could put the deeply sited sources of the threat at risk.

Thus, it was firmly concluded that we needed in Western Europe systems such as the Pershing II (P2) and GLCM to put at risk Pact offensive threats that we believed we could not defend against. These requirements existed for reasons separate from and in addition to the SS-20s. There were strategic reasons for the new INF beyond the need to offset SS-20 deployments. Neither theater based aircraft nor reliance on U. S. strategic forces would suffice; nor were sea-based forces, such as sea-launched cruise missiles, deemed adequate. These conclusions were carefully and collectively reached.

Unfortunately, the Carter administration derailed many of the modernization plans, most clearly the lower collateral damage enhanced radiation weapons. The P2 and GLCM were as far as it and NATO were then willing to go with theater nuclear modernization, even limiting the numbers of those systems to levels that constrained their military contribution. This did not, however, eliminate their military significance or reduce their strategic importance

The INF are valuable for a certain, critical type of targeting capability, and because they were generally believed, whatever your individual judgment, that they are more credible for that use than forces based at sea or in the United States. The military importance of these weapons increased as the threat continued to expand and as continued growth in Soviet strategic nuclear supeiority reduced even further the attractiveness of reliance on U. S. strategic forces for theater targeting.

The political element then increased the importance of these forces again, as we and our allied governments emphasized this importance to help win the struggle to deploy the systems. This turned out to be a major political victory for the alliance over determined Soviet opposition; but one should not isolate the importance of these systems from the political struggle waged by our allies on behalf of their deployment. In this process, the military and strategic importance of these systems was emphasized strongly. They were described as essential to a successful deterrent strategy of flexible response.

Perhaps, individually, some of you believe that this was exaggerated. I, myself , would agree that the military contribution of these systems was somewhat overemphasized compared to their vulnerability and low numbers. But the weapons acquired politically a far greater importance in strategic terms than they may have had in strictly military terms, and this importance became real.

Now we would overturn this, and overturn as well the major political victory won by deployment of the systems, a victory that seemed for a time to affirm that NATO, collectively, could proceed with theater nuclear force modernization. In my view, this is likely to reduce greatly the prospects for any future theater nuclear modernization. It will become the final step in a process begun during the Carter administration reversing plans for modernization. If we are to modernize, as we should, I doubt very much that ratifying this agreement -- at least without specific, effective requirements for modernization linked to consent for ratification --will help.

The strategic consequence of the INF agreement will be to place greater reliance on U. S. strategic nuclear forces for extended deterrence, on the strategic balance that is, at a time when that balance is decidedly adverse to the United States. At the other end of the spectrum, of course, it will put more stress on an unfavorable conventional force balance.

Former Secretary of Defense James R. Schlesinger made what I believe to be an inescapable point in his testimony before this Committee on January 26. He pointed out that the INF agreement, removing U. S. INF from Europe, "expands the role in overall nuclear deterrence that must be played by U.S. strategic forces. The role of these forces in providing extended deterrence is therefore an increasingly preponderant one."

I cannot imagine why those who worry (justifiably) about the strategic nuclear balance, the Soviet capability for disarming attacks on U. S. strategic forces, or the possible consequences of a U.S.-Soviet strategic exchange should wish to rely more on strategic forces for extended deterrence. If we are to shift back to increased reliance on U. S. strategic nuclear forces, then we certainly need more urgent and far-reaching strategic force modernization programs than we now have. And we need urgently to do something about the defenselessness of the United States against ballistic missile attack, including the vulnerability of U. S. land based forces, since extended deterrence cannot be viable with a defenseless United States to the extent that it relies on the threat of U.S.-Soviet strategic exchanges.

At the other end of the spectrum, there exist many sensible plans or proposals for conventional force modernization, permissible improvement of theater nuclear force capabilities, and the development of extended air defense and even theater BMD systems. These include Senator Quayle's NATO Defense Initiative, the 1987 NATO Conventional Defense Improvements program, and various programs that the Nunn-Warner Amendment encourages, as well as following through with the 1983 Montebello force improvements and returning to earlier plans for deployment in Europe of the Enhanced Radiation Warhead (hopefully for the Lance and 155, as well as the 8").

But, as I have said, I fear that politically it is unrealistic to expect the alliance to go through with such modernization programs at a time that arms control agreements are celebrated as major contributions to security, that the arms control process commands center stage in U.S.-Soviet relations, and that reductions in nuclear weapons are so emphasized. It is rather incongruent to argue that the INF agreement is a good agreement that enhances our security and reduces the threat, and at the same time argue that we must have new arms programs to compensate for the agreement or to cope with an undiminished threat. European publics are being encouraged to expect more arms reductions, not to support new arms programs.

Also, all of this comes at a time when the United States is engaged in a major unilateral reduction in its defense effort due to concern over the federal budget deficit. The FY 1989 DOD budget represents the fourth consecutive year of declining U. S. defense budgets, in real terms; this time a substantial decrease in the administration's request even before Congressional cuts are imposed. The major cuts in the DOD budget seem to imply that the DOD budget is largely responsible for the budget deficit. I think the facts are otherwise.

In all candor, Mr. Chairman, the Soviet military threat and the continuing buildup of Soviet military capabilities are far greater threats to U. S. well-being than the budget deficit.

Treaty Review

Even if one supports the INF agreement in principle, I know that all on this Committee agree that careful attention must be given to the specifics of the agreement. In my judgment, it contains loopholes and ambiguities: major flaws that should be corrected in the process of advice and consent. As it stands, the Soviets will have unnecessary opportunities to circumvent the intent and purposes we ascribe to the agreement. The grounds for troublesome differences of view as to the obligations imposed by the agreement will exist, and at a minimum these will give rise to questions concerning our own activities -- are they permissible? -- and Soviet activities -- are they clearly definable violations?

We have too much experience with this not to recognize the dangers. Agreements with the Soviets have turned out in practice to be quite different from what the United States thought it had concluded, or at least different from what was described by the administration at the time of Senate action. We have seen this repeatedly with the issues raised about Soviet activities -- beginning with the substitution of the SS-17 and SS-19 for the SS-11 close on the heels of an agreement that was advertised as prohibiting exactly that; and with the violations issues.

I pointed out this distinction during the early argument over possible Soviet violations of SALT I, when I testified:

> "if one takes as the SALT I agreement that which was described to Congress by the Administration, the Soviets have violated the agreements approved by Congress as Congress was led to understand them. Whether the Soviets have violated the literally imposed limitations of the mutually accepted agreements is another matter."

Because we were not sure exactly what the Soviets agreed, and did not try to pin it down in the rush to approve and ratify the agreements, we were forced to accept Soviet actions that undercut both the Interim Offensive Agreement and the ABM Treaty.

We must expect the Soviets to exploit every opportunity allowed them by the agreement. It is what they do. And we must expect this behavior in the context of experience to date that the Soviets, first, do not agree to limitations that would constrain achievement of their strategic objectives; and, second, when such limitations are desirable for their effects on the United States, the Soviets offer us the delusion of limits while insisting upon language that technically allows them to proceed virtually unconstrained.

This agreement allows great latitude for the Soviets to continue that practice.

It seems to me that the statements of administration spokesmen on the meaning of a treaty can help clarify its provisions, or at least the administration's current view of them, but ought not themselves to be taken as definitive, much less unilaterally binding on the United States. The Soviets have enough of an advantage in the political fact that agreements always constrain open, democratic societies more than totalitarian ones, which will exploit every loophole, without adding to that unilaterally imposed legal restraints that have no effect on the Soviet Union. Besides, the record shows that an administration, trying to gain Congressional approval for an arms control agreement it has concluded, is too inclined to describe the agreement as accomplishing more than it really does, and at the same time to paper over flaws in the agreement.

As to the INF agreement, I have suggested a couple of examples of major textual flaws. Fortunately, I need not go into a detailed analysis of the treatytext in my opening statement -- although I would be happy to join in such an analysis during the discussion -- because you have already received the comprehensive review of the American Enterprise Institute, and you have here one of its principal authors. There is also available the thorough Committee staff document, "Questions on the Meaning of the INF Treaty."

I would like to make a few comments on the verification and compliance aspects of the agreement. The treaty appears to have strong and detailed verification provisions, but these are for limited designated sites and also contain severe limits. These limits, along with the absence of suspect site inspection rights and short-comings in our national technical means, should not permit confidence in the verifiability of this agreement. Of course, the major loophole on the SS-25 allows the Soviets to substitute those systems freely for the SS-20s anyway; and the conversion of SS-20 operating bases to SS-25 bases takes away our on-site inspection rights at those sites.

In any case, there is one lesson that we should have learned well, and that is that verification and compliance do not necessarily equate to one another. Enforceability of compliance with an agreement is a different issue from the ability to verify non-compliance. And the United States still lacks an effective enforcement of compliance policy. Without such a policy, the ability to verify is greatly reduced in value.

Arguments for this treaty seek to ignore or belittle the fact of Soviet circumvention and violations of existing arms control agreements. Such Soviet behavior has become a practice, or what the President has termed a "pattern." What is also ignored in pro-agreement judgments on the verifiability of the agreement is the likely continuation of Soviet concealment and deception aimed at U.S. verification capabilities. I believe that the Senate should address this problem directly, at least in terms of certain types of safeguards against such Soviet actions; and perhaps even by making its consent for ratification conditional on Presidential certification of Soviet compliance with all existing arms agreements, as well as of cessation of Soviet strategic concealment and deception that interfere with verification.

I am aware of the problem of having tighter verification provisions in an agreement without at the same time assisting Soviet intelligence operations -- and nuisance causing -- in this country. The fact is that the verification provisions of the INF agreement may already be too intrusive for an open society, but are not intrusive enough for a closed society such as the Soviet Union. We know that Soviet inspection agents (additional, legalized KGB) will not be here to verify U. S. compliance with the agreement. There are more than plenty open and reliable ways to know that the United States is complying; but this is certainly not the case for the Soviet Union.

Why should we accept the contention that equal verification procedures should be applicable to both societies? Clearly, "equal" provisions are not equal given the difference in the two societies. Given the emphasis the administration places on asymmetric reductions as the reason for the treaty, it should be at least as important to have asymmetric rights of inspection in order to verify Soviet compliance and monitor Soviet acts of non-compliance. (The Soviets have traditionally distinguished between verifying compliance -- e.g., observing that they are dismantling what they say they are dismantling, but only that -- and verifying non-compliance -- e.g., determining that they do not have more systems than they claim. The latter they reject.)

If we are going to place the emphasis we are now placing on deep reductions in forces, and at the same time be serious about verification, we will have to have far more comprehensive access to the Soviet Union than is called for by the INF agreement; but the Soviets should have far less intrusive physical access in the

United States since their information-access is already more than adequate. I have no doubt that the Soviets can save money and effort by simply continuing to monitor our open legislative and budgetary processes to verify U. S. compliance with agreements.

Recommendations:

Personally, I believe that this agreement is too likely to be a strategic trap, which debilitates the West far more than it reduces the Soviet threat, and I would not wish to see it ratified. I realize, however, what a minority view this is; although I would not wish to concede ratification of the agreement as it now stands or without conditions.

If there is to be an agreement, my own preference would be for an INF reductions agreement that established reduced, equal ceilings on INF, rather than one that eliminates U. S. INF and all options to improve that capability. This is particularly so, as I have said, because I do not believe the current agreement will in fact eliminate corresponding Soviet capabilities. The zero-zero agreement, I fear, will in practice most likely become a single-zero agreement: zero on the Western side, and retention of appreciable capabilities on the Soviet side.

The objection to that proposal, I know, is largely a verification one; but I believe the verification provisions for the current agreement to be deficient anyway. In fact, we are really left ultimately with the belief that complying with this agreement is in Soviet interests, as the Soviets define them. So the situation is no different if we allow forces on each side; and I would be far more comfortable if NATO retained LRINF and the ability to build up SRINF. I suspect most Western European military leaders would also.

I would also counsel deferring ratification until there is a sound companion agreement governing strategic nuclear forces, except that I would wish to emphasis the "sound" and not wish to encourage the present propensity of the administration to rush through with a START agreement, or with Vladivostok-like agreements in principle. The strategic nuclear balance is too critical to this INF agreement to approve it without knowing the nature of a possible START agreement, including whether it seals off the SS-25 loophole and whether it allows the U. S. to proceed with a vigorous SDI program, including deployment, or whether it prevents these, directly or indirectly.

Short of these suggestions, I would recommend the following:

- Close the major loopholes and ambiguities in the agreement, clarify the terms - many of which are ambiguous and will give rise to interpretation difficulties; and improve verification.

- Demand of the administration a sound and effective compliance policy, including planned safeguards against Soviet non-compliance, and support this legislatively. Or impose such a plan on the administration.

- Require comprehensive programs for strategic force modernization on a higher priority than now exists.

- Increase defense spending.

- Approve and fund a NATO nuclear and conventional force modernization plan, such as the NATO Defense Initiative; carry through with the Montebello modernization agreements.

- Modify the agreement to permit non-nuclear long range GLCM.

- Resume ER warhead production, authorizing warheads for the 155, and require the administration to work out an arrangement with the allies for deployment of ER warheads in Europe. The purpose of these warheads was to bolster defense against attacks, while lowering collateral damage, and they are needed even more with the removal of the INF.

- Proceed with development and deployment of theater defenses against air-breathing and missile threats. One of the major reasons for the deployment of LRINF in the first place was a conclusion at the time that cost-effective means for defending against Soviet air and missile threats were not then comparable to LRINF options enabling us to attack the threats at their source. We are now removing these options, so the earlier decision should be removed, especially in light of advances in defense technologies since that time.

In summary, Mr. Chairman, considering both INF and START, we are once again expecting too much from arms control and allowing it to dominate strategic planning. We are attributing too much importance to concluding an arms limitation agreement, while the security of the United States and its allies rests far more with factors extraneous to these agreements, including our own defense programs, than with an agreement. Yet, an agreement can greatly influence such factors, including our own defense efforts, and that influence, as we have seen in the past, is generall adverse. It will result most likely in a dampening, or even paralysis, of theater and strategic nuclear force modernization programs well beyond the actual terms of the agreement; and a disproportionate conformity to the "spirit" of the agreement, while the Soviets will desregard the spirit and possibly also the letter of the agreement.

One cannot help but observe that the strategic trends since we have been so engaged in the arms control process for nearly twenty years have been the opposite of what the United States hoped to accomplish through arms control: not strategic parity with the Soviet Union, but Soviet superiority; not greater survivability of our deterrent forces, but greater threats to them; not enhanced stability, but instability.

Over forty years ago, the distinguished political commentator, Walter Lippmann summarized very well the lessons of arms control: "The disarmament movement was, as the event has shown, tragically successful in disarming the nations that believed in disarmament." Leaving, of course, those who believed in armament to pursue the arms programs that disrupted and weakened the alliances standing in the way of war. I sincerely hope that we have learned from such lessons.

Chairman **Nunn**. Thank you, Dr. Van Cleave, for pointing out a number of areas of concern.

I would like to ask each of you two or three questions.

Mr. Ambassador, from your statement I gather that even if all of the problems pointed out by Mr. Gaffney and Dr. Van Cleave were dealt with satisfactorily; in other words, the details, the verification, the loopholes and so forth, you would still oppose an INF Treaty based on zero-zero. Is that correct?

Ambassador **Galbraith**. Absolutely, the reason being that the removal of the Pershing II which will result from the treaty will leave Germany open to Soviet intimidation to the point where I think it will drive the nation out of a military capability. The will of the people has been reinforced by those Pershing IIs. Once we pull that out, we are going rapidly back toward the erosion that took place before it was there.

Chairman **Nunn**. Dr. Van Cleave, I am not quite sure whether I would deduct the same thing on your part, but let me pose the question to you.

If all of the technical loophole problems, some of which are very important, were cured in this treaty, would you still oppose zero-zero as a matter of general strategic philosophy?

Dr. **Van Cleave**. Mr. Chairman, the technical loopholes in this agreement are, indeed, of vital importance to the agreement, and they certainly must be corrected. But even if they were corrected, I would on balance oppose the zero-zero option as unwise and, as I said, would prefer reduced but equal ceilings rather than removing these forces as well as the option to modernize these forces in Europe.

Chairman **Nunn**. Thank you.

Mr. Graffney, am I reading yours correctly, that if all of these matters were clarified that you enumerated in your statement, you would then in principle be in favor of a zero-zero outcome.

Mr. **Gaffney**. Yes, sir, Mr. Chairman. As I said in the statement, there are issues which I have not touched upon here, some of perhaps lesser importance, some not really bearing on the military issues which I know are of preemminent concern to the committee. In principle, however, that is correct.

I would just emphasize the point that I made earlier: Subject also to the caveat that the treaty not be construed to do things—some of which are of concern to my colleagues as well as me—that it does not in fact do: denuclearization of Europe, third zero option, foregoing of modernization and so on.

If those pitfalls, which I agree are there, can be avoided, then I think—if this treaty were fixed as we have discussed—it is in our interest.

Chairman NUNN. You mentioned in your closing statement that we should never again have a two-track approach. Let me ask you this question.

If we had not had a two-track approach telling the Europeans and vice-versa that we were going to go for zero, we were going to deploy but go for zero, do you believe that we would have been successful in having the Europeans agree to deploy the Pershing IIs and the ground launch cruise missiles?

Mr. GAFFNEY. I was not there. I was here at the time, but it certainly is the conventional wisdom of those who were there that you could not get agreement to the track for modernization without the explicit agreement to the coupled track of arms control.

That may well be true. My real concern, Mr. Chairman, as I see what is developing in Europe and here, increasingly it is a perception that arms control is the sine qua non of security and that you cannot even do modernization without an express coupling of that modernization to arms control.

I think, aside from the merits or demerits of making the decision in 1979, it is a very, very ill-advised way to proceed with respect to the future.

Whether it is Small ICBMs or chemical arms or continued nuclear testing or what have you, the things that we do, it seems to me, in the programmatic side of the defense budget ought to be done because there is an urgent requirement for doing them and not because we are going to try to leverage some sort of concession out of the Soviets for which we will be all to happy to give up that program if only the Soviets will agree.

This is the bargaining chip mentality which I find distressing.

Chairman NUNN. I would like to have your view, Ambassador. I know you were in France during part of this time.

Ambassador GALBRAITH. I was involved in the deployment to the extent that it was my mission to try to persuade the French to support it publicly in as many ways as they could to influence their German colleagues.

I know, as Frank just said, it is the conventional wisdom that that is the thing that got it through, but I do not think that is at all clear. It certainly was not the case in France. They were opposed to the double zero because they thought just this; it might come back to haunt us. There is no question that the French were not alone.

I do not know how you can weigh up whether it would have gone through, but I think the deployment would have taken place anyway largely because it became a political issue in the German elections that year in March 1983. The CDU won that election because of economic questions, and they carried with it the policy to deploy.

That is to say, these men were victorious in their election for probably other reasons but once having won, they would have carried out that aspect of their platform.

So I do not think we should rely so much on that, and it certainly in my view is, at best, ambiguous and should not be a factor in causing this Senate to feel obliged to ratify the treaty.

Chairman **Nunn**. Dr. Van Cleave.

Dr. **Van Cleave**. I would like to add my support to this challenge to what the conventional wisdom is by reminding everyone that 1979, when the two-track decision took place, saw us with very different kinds of governments that were emphasizing arms control generally.

The Carter administration and the Schmidt government were strongly emphasizing arms control, more than theater force modernization.

Prior to 1979, as you certainly recall, Mr. Chairman, there was an extraordinary amount of work within NATO, the NATO Nuclear Planning Group and so forth. This work produced a collective judgment, firm at the time, that after over a decade of lagging behind the Warsaw Pact in force modernization the need for tactical theater nuclear force modernization of which the GLCM and Pershing II were only a part, was urgent. In fact, the Carter administration and NATO approving only those systems cut back very substantially the tentative plans that had been formulated during the 1970s for modernization.

But the fact that there was then collective consensus on the need to modernize theater nuclear capabilities should be taken into account, as well as the subsequent fact that starting about 1981 there was new confidence in the strength and cohesion of NATO. In my view, that would have carried through the agreements, the deployments.

Chairman **Nunn**. Thank you. My time has expired.

Senator Warner.

Senator **Warner**. Thank you, Mr. Chairman. I would again join with you in expressing our appreciation to these gentlemen who have taken their time to enlighten the committee.

Mr. Gaffney, we are endeavoring, to get through this negotiating record that was delivered to the Senate a short time ago. Mr. Perle took positions quite similar to yours in the area of the banning of the conventionally armed cruise missiles and testified that, in the negotiations, the Soviets did not support such a ban.

Ambassador Glitman testified to the contrary.

Would you give us your recollections?

Mr. **Gaffney**. Yes, sir. I think it is terribly important, as I said in my statement, that you do review the record with care.

I personally am profoundly concerned by what I hear is a very limited amount of time that will be available for doing so, as I gather the record was only made available to staff for review this week, and there is not much time left before you wrap up these hearings.

Chairman **Nunn**. One day so far, really.

Mr. **Gaffney**. That is frightening, because the sheer volume of material that requires careful study, as you and your staff know, is prodigious.

But on this point, Senator, I think my recollection is fairly clear on it because I was personally and immediately involved in resisting——

Senator WILSON. Mr. Chairman, excuse me. Could I be discourteous enough to interrupt just at this point, because it does raise a serious question.

As the Chair and the ranking member knows because of a letter that I addressed, I was concerned that at the time Ambassador Glitman appeared before us we would not have had an opportunity yet to consult the negotiating record, and you were gracious enough to respond that we would have that opportunity in the future.

I am just curious as to when we will have the opportunity, because the tremendous volume of that negotiating record being what it is, I think that even though we have been granted staff access to it, it is going to take a little while.

I would hope that he would not be scheduled back before us in closed session until there has been a truly adequate period in which to consult the record.

Can you shed a little light on that for us?

Chairman NUNN. Yes. It would be my plan at this juncture, and I will certainly consult with the Senator from California and the Senator from Virginia and others, that we would have him back after we have had a chance to review the negotiating record, and we will couple that with some form of closed session on the questions that we have already raised.

We have a need for a closed session even if nothing comes up in the negotiating record review. We will schedule that closed session, depending upon when we are able to get through the negotiating record, on a reasonable basis. The ABM record was three volumes. I am told this is 31 volumes.

Mr. GAFFNEY. That is only part of the record, I believe.

Chairman NUNN. What was that?

Mr. GAFFNEY. That is only part of the record, the actual documentation behind how the positions were developed and negotiated.

Chairman NUNN. It was the part that the administration now contends is the official definition of the negotiating record which is, I must say, a different definition than they used in the ABM review.

Nevertheless, that is where we are at this point.

I would say, Senator Wilson, that it is going to be very difficult for any one person to go through that whole record. My estimate is that the ABM record, for one person to have gone through every word of it, was probably 300 to 400 hours. This would probably be 10 to 12 times that. I think you are talking about, if you had a meticulous one-person review, 3,000 to 4,000 hours.

I am not going to say that we are going to wait until someone spends 3,000 or 4,000 hours reviewing the negotiating record. There are pertinent parts of the record that we already can key in on because of the questions that have been raised that have to be examined in great detail.

We will have Ambassador Glitman back here once, twice or however often we need to in order to explore those questions thoroughly. I share your concern about getting answers to the questions.

Senator WILSON. Thank you, Mr. Chairman.

Senator WARNER. Could my time start now?

Senator WILSON. My apologies, Senator Warner.

Senator **Warner**. No apology needed. It is a very important point, and the witness led off.

Chairman **Nunn**. We will start your 6 minutes now.

Senator **Warner**. Let me restate the question, Mr. Gaffney. There appears to be a discrepancy between the positions taken by Mr. Perle and Mr. Glitman on the Soviet position with respect to the cruise missile.

Mr. **Gaffney**. I remember the episode vividly. Richard was not in the Government at the time, so his recollection of it would be secondhand.

Senator **Warner**. Ambassador Glitman is likely to have the more accurate record?

Mr. **Gaffney**. No. If I understand what has been said by Ambassador Glitman, it would not be accurate.

Let me tell you what I recollect of the event. The U.S. position had been for 6 years or so in the course of these negotiations that we would not ban conventional armed cruise missiles because there was no way of ensuring that the missiles that were being so banned would, in fact, preclude Soviet cheating.

We retained the option, because of the verification problems and because of the need, as we saw it, to have conventionally armed cruise missiles on our side, therefore, we rejected the idea of a ban.

In debate after debate after debate, review after review after review of this issue, the President consistently came out saying we will preserve our option for conventionally armed cruise missiles. I mean to tell you, there were literally six or seven different times at which that issue was elevated to the Presidential decision level.

Senator **Warner**. Mr. Gaffney, having served with us on this committee, you know that one question can consume 6 minutes.

Mr. **Gaffney**. I want to be brief, but it is a terribly important point.

Senator **Warner**. Yes, it is.

Mr. **Gaffney**. The issue was joined again, when Ambassador Glitman came back from Geneva and said, I think, in the July-August 1987 timeframe, "there is a serious danger that the Soviets are becoming interested in pursuing their own option for a conventionally armed cruise missile" and said at the time "I am concerned that I will have to go up and testify to the Senate, unless we ban conventionally armed cruise missiles, unless we in fact reject the present U.S. Government position and adopt the Soviet position, that we will have a verification nightmare."

We argued at the time in the Secretary of Defense's office that there was a verification nightmare here anyway, and the issue, narrowly put, is will you or will you not retain for the United States a legal option to have conventionally armed cruise missiles.

At that time, the Joint Chiefs of Staff were polled and said "There is no military requirement for these systems." I think Ambassador Glitman affirmed that the other day. I thought that was ludicrous at the time. I took it up with the chiefs in the tank myself and, I thought, at least got a further reflection on the subject. But for reasons that you will have to address to them, they thought that a permanent ban on the United States having conventionally armed cruise missiles was in our interest. I think presumably because they felt it would enhance verification.

In the final analysis and in short, Mr. Chairman, it was the Soviets' interest, purported Soviet interest, in exploiting our language permitting conventionally armed cruise missiles that prompted this further review of the U.S. Goverment's position and its ultimate reversal when it appeared the chiefs had no requirement for such a capability.

In my view, if anything, that argues that if the Soviets were interested in having that option themselves, and they recognize they will have that option in any event, we have no risk in going back to the Soviets and saying let us leave both of us with that option. That should not be a show stopper.

Senator **Warner**. That is a very interesting observation.

To Ambassador Galbraith, on page 5, I will read your testimony. "The purpose of the SS-20 is to intimidate, to terrorize, and ultimately to force the Europeans to opt out of any effort to resist the Soviet domination of Western Europe. Soviet terror is not going to be diminished by the elimination of the SS-20."

There would have to be some knowledge presumably that they have secreted a part of this SS-20 force away to provide that intimidation and terrorizing, would it not?

It seems to me, given your hypothesis that they can conceal some substantial number of these weapons, how would that be reconciled with your characterizing that hidden force as a terrorizing force?

Ambassador **Galbraith**. There are two different points, I think, Senator.

Senator **Warner**. I know it is militarily important if they squirrel it away. That is obvious to all of us; however, this other point is equally important.

Ambassador **Galbraith**. There are two different points. The intimidation and the terrorization will continue by the missiles that are overtly there, the SS-24s, the SS-25s, all the shorter-range missiles.

So we do not diminish any of the Soviet current threat and efficacy vis-a-vis Western Europe by eliminating the SS-20s. That is the point that I am trying to make.

Senator **Warner**. I see your point.

Ambassador **Galbraith**. But as to the SS-20s being concealed, there are scenarios where they were broken out later on, which I think would also be dramatically used to intimidate Western Europe once it was felt wise to break them out; but I am talking about the SS-24s and SS-25s as a successor in the mission.

Senator **Warner**. A further quick observation.

Chairman Nunn and I have tried to accommodate the membership and others in providing a broad range of witnesses to appear before this committee.

On page 3 you indicate, and I quote, "something is wrong here. This treaty has been elaborately described as verifiable when, in fact, is not and, in fact, responsible officials in the administration know it."

Would you care to suggest any witnesses that we should bring up here from the administration? It might be difficult for them to take a position.

Ambassador GALBRAITH. I would back up that statement by, first of all, in part by what I have read in the accounts of the newspapers about their testimony.

I have seen Secretary Shultz talk in terms of the need to test missiles. The only direct two conversations that I have had were with the then arms control honcho, Ken Adelman. I forget exactly what his title was.

Senator WARNER. Director.

Ambassador GALBRAITH. He acknowledged that it was very unlikely that any of the estimates about the amount of——

Senator WARNER. I understand. I was thinking that perhaps there were some that we should hear from. You are saying that if you look at the interpretations and the slants in the Senate testimony that has been given to the three committees——

Ambassador GALBRAITH. Plus personal conversations I have had with him and——

Senator WARNER. I understand.

My last question will be to Dr. Van Cleave, and this is a subject that Secretary Carlucci has raised with this committee.

Given the Soviet record of noncompliance with arms control treaties, do you recommend that the United States develop a noncompliance policy which would be separate or possibly attached to the treaty before the Senate tries to ratify this agreement?

If so, what sort of principles should such a policy possess?

Dr. VAN CLEAVE. Definitely. I think there should be a noncompliance policy, which does not exist. This should be an essential condition of Senate approval for ratification.

Senator WARNER. Mr. Gaffney has also alluded to this in his last comment.

Dr. VAN CLEAVE. Verification capabilities ought to be merely the first step in a compliance policy, which is then followed by steps to correct any noncompliance that takes place if we are to dissuade future noncompliance.

I cannot have much confidence that the administration itself is capable of formulating a noncompliance policy or even a policy of proportionate responses to Soviet violation or circumvention of agreements.

I think, as in the case of the limited test ban treaty, safeguards against Soviet circumvention are going to have to be enforced on the administration by the Senate. The right of withdrawal is not enough, and is itself ineffective, since the probability that it would be exercised is very low.

If we had a policy that began just with a firm declaration by the Senate that the United States is not bound by agreements that the President of the United States has declared the Soviet Union to be violating. That, according to international law, we may selectively comply or not comply with those particular agreements. But we must also show that we are capable of doing that, and it would help to have planned safeguards ready. I think that would go a long way toward establishing a compliance policy.

But a policy has to have action in it. It cannot just be something declared or written down, or it is not policy, or at least it is not a policy that has any teeth to it.

Senator **Warner**. Mr. Gaffney, did you wish to answer that question?

Mr. **Gaffney**. If I could.

Senator **Warner**. My time has concluded and I understand that Mr. Symms would be the next under the early bird rule.

Mr. **Gaffney**. I would be happy to do it either way, to comment now or, if Senator Nunn is coming back, he had also expressed an interest in comments on that point, to wait until he returns, whichever the committee prefers.

Senator **Warner**. I would suggest that if the chairman raised that point, that you await his return.

Senator **Symms**. Thank you very much, Mr. Chairman, and I want to say to the three witnesses that I have tried to keep an open mind on this treaty, but I think that your testimony is very convincing to me that there are so many holes and loopholes and problems with this treaty that it is not in the best interest of this country for the Senate to ratify it.

I am interested in the point that when the SALT II Treaty was before this Congress that then Secretary Vance and Secretary Brown made the same argument that Secretary Kissinger and others are making now; that is, that if we do not ratify SALT II, NATO will be dissolved in 3 years. NATO in many ways is stronger now than it has been in the last 30 years prior to the passage of this treaty.

So I really appreciate the thoughtful testimony and, I think, the sound, rational position which you have all taken here to give those of us who are critical of the treaty a great deal of moral support, if not intellectual support, in why this treaty should be defeated.

I want to ask. When I was in Europe in January, every one of the military leaders that I visited with expressed one great concern, and that was the cost of the implementation of the treaty and who has to pay for it and, particularly, what the cost of the next step, the START Treaty, would be.

Have any of you done any studies on what the cost would be? If so, should that be charged against the defense budget or against some other sector of the budget of the Federal Government?

Please make it quick. I have another question I want to raise.

Mr. **Gaffney**. I have not done any personal studies of it, Senator. I was present when at the very end of the negotiating process in the Defense Department some early work was done trying to quantify what it would take to do not only the dismantling business but also the inspection business.

I think the general view was that it was appropriate for the responsibilities for that work to reside in the Defense Department principally because they had the manpower and they had the expertise to do the job. While there was some discussion of having that responsibility reside elsewhere, inevitably it would be the Defense Department that had to pay the bill anyway.

So it seemed to us both sensible to have the responsibility and the finances——

Senator **Symms**. I know from talking to Director Sessions that there is a huge expense going to be added to the FBI budget to monitor all the spies that will be living in Utah. They are going to have to put a huge contingent in Salt Lake City to try to monitor, and they will be all over the West. I personally as a westerner do not appreciate it.

I would like to hear your comments on it, but I want to make one other point.

The Soviets being the chess players they are, they have motivation, I think, to hide 300 or 400 of these missiles. They can still terrorize us with the SS–24s and SS–25s, and then if the curtain call ever does come they can retarget the SS–24s or SS–25s on strategic targets in the United States and, in fact, have the 300 to 350 hidden SS–20s to reuse on the European targets.

Do you think that is a reasonable, rational hypothesis that that might be a motivation for them to cheat?

Ambassador **GALBRAITH**. Well, I think that they want to use all those weapons for the purpose of intimidating everybody. I do not believe that the Soviet Union will engage in a crap game which could result in the destruction of the Soviet Union.

I do, however, see them bringing out the SS–20s, having concealed them, as a part of a crisis movement, a dramatic effort to nail down a sort of push to force the Europeans into an accommodation, which is a euphemistic term, which would allow the Soviets to dominate them.

Senator **SYMMS**. That is when they send their corn buyer over and say they want it for $1 a bushel.

Ambassador **GALBRAITH**. That might be the same day.

Senator **SYMMS**. I want to ask one other hypothetical question, but I think all of you, being students of the Soviet defense, are very well aware of the violations of the ABM Treaty, the Krasnoyarsk radar, and now other radars.

It seems very evident to even the most minimal study by laymen that the Soviets are on a track toward the deployment of their own antiballistic missile system dovetailed in with their civil defense system and some sort of a system to, in fact, put a deterrence out to incoming strategic missiles.

When this finally becomes a revelation in terms of this nuclear blackmail, where does that leave us if we, in fact, have ratified this treaty and then possibly a START Treaty? How significant, then, should we be concerned about a future recognition that the Soviets are, in fact, secretly violating the ABM Treaty?

As the evidence points toward it, it is just a matter of time, so if we get an intelligence briefing that tells us that they have broken out of ABM and have actually made a deployment, would you want to comment on that?

Dr. **VAN CLEAVE**. Senator, there is no doubt in mind, and there really ought not to be any reasonable doubt in other people's minds, that the Soviets are proceeding to develop the base for a nationwide ballistic missile defense. Substantial components of that capability do already exist in the Soviet Union. They are a product of two inescapable facts.

First of all, the ABM Treaty itself was ineffective in preventing the development of a base for nationwide defense. At the time in 1972 when I testified on that agreement, I said this agreement can only be effective in prohibiting a defense on the side that does not want to be defended but will have no effect on the side that wishes to build the basis for a defense. I said that it would be ineffective in that regard.

Then beyond that, as we well know, the Soviets have been violating the ABM Treaty, and they have been circumventing it by exploiting loopholes in the language of the agreement. All together, these mean that they are in fact building a basis for nationwide defense and proceeding with it, and it will be there incrementally. They are proceeding with deployment now. I do not know when it will finally dawn on us that it is there, but it has been coming incrementally.

In my own view, one of the major purposes the Soviets have in trying to create the present arms control atmosphere through an INF reductions agreement, and by pressing the virtues of reduction in strategic arms, is because they expect that this will encourage us to overlook what they are doing. They also expect we will unilaterally impose upon ourselves constraints on our own SDI program, and on other modernization programs, that will enable them to proceed without the need to compete with vigorous American strategic modernization programs and without an American ballistic missile defense.

In INF, I think that they will continue to maintain the intermediate range capabilities that we, for our part, will in fact eliminate, and, increasingly, we are going to have a disparity in capabilities that cannot help but have a political as well as strategic impact.

Senator SYMMS. Thank you very much. My time has expired.

Mr. GAFFNEY. Senator, may I add just one quick point to that? I very much agree with what Bill has said. I think you have touched on one of the central security issues of our time, and I would welcome an opportunity to come back and talk to the committee about it on another occasion.

But it does seem to me that we are witnessing the Soviets breaking out of the ABM Treaty right now, and as Bill has pointed out, it is part of the quality of the treaty that that breaking out is incremental and is scaled in such a way as to remain in a gray area of noncompliance (with the exception, of course, of the Krasnoyarsk radar and one or two others which are clearcut) such that that critical moment of truth, that realization of what is emerging, is deferred and deferred and deferred.

Especially as the Soviets adroitly pursue this argument that they are against defense and that they want to stop defense, and they have arms control proposals that will do that, it makes it very difficult for public officials like yourself or us in our previous capacities to make it clear that there is no truth whatsoever to that Soviet rhetoric.

To the contrary, they are keen to pursue their defense; they want to stop ours.

Now, the only point I would make in connection with the INF Treaty about all that is it does inevitably raise the question that as we pursue this agreement, are we no longer concerned about the violations that we have identified with previous agreements?

How, if we are concerned, can we be signing up to still further commitments under any expectation other than that this, too, will be violated?

Senator SYMMS. Thank you, Mr. Chairman.

Thank you, gentlemen.

Chairman NUNN. Thank you, Senator Symms.

Senator Exon.

Senator EXON. Thank you very much, Mr. Chairman.

Gentlemen, welcome. I wanted to hear your testimony this morning. You are very distinguished people in this area, and we have had an awful lot of testimony that I would have to say is strongly pro the INF Treaty, and I think that we have the obligation to listen to those who have some second thoughts, and I think that is an understatement from what I heard in listening to the three of you.

So I congratulate you, Mr. Chairman, for bringing these three great Americans here so that we can hear their concerns.

I take it that under the present situation you all three think it would be a terrible mistake for us to continue with any kind of agreement in the next few months with regard to the START scenario. Is that right?

Ambassador GALBRAITH. I would say it would be a mistake.

Mr. GAFFNEY. I am terrified about what is going on in START right now, Senator Exon. I am told that memos are being circulated in the Government that all of the issues on verification will be resolved within the next 30 days, and all of the issues with respect to elimination will be resolved within the next 60 days and so on.

There is a process under way which I tried to describe as it applied to INF that I am convinced gives rise to bad negotiating positions, bad decisions, and ultimately bad agreements.

Ambassador GALBRAITH. Apart from that, it just adds to this illusion that we are able to deal with the Soviets by writing a piece of paper, and it is going to add to the tendency that exists in Europe and in this country to move into other agreements.

It will accelerate the removal of the shorter-range nuclear missiles in Europe which will be the final nail in the coffin, if you will, as far as I am concerned in terms of being able to keep Germany together as a fighting force.

So the psychological impact of START, in my view, is going to be devastating, as this treaty is also devastating.

Senator EXON. Thank you for that.

I think there have been many of use who do not see the INF as dark and as potentially dangerous as the three of you do who have been trying to send very clear signals that, regardless of that and regardless of our differences on INF, I think it would be a very serious mistake to be rushing right now, given the situation.

I was at an informal affair within the last week which some administration attended, and I told them there were grave concerns up here by those of us on the Armed Services Committee and in the Intelligence Committee about basic verification.

Even if we agreed, which you probably do not, that we could adequately verify INF, there is no way we could verify START, in my opinion from what I know of the situation now.

Here we have an administration that is going out of office. Even if they would sign a START agreement, I would see little chance that it could be ratified this year.

That means that a new administration would be coming in next year selling an agreement made by a previous administration. It seems to me that that would be a terribly dangerous thing to do just for the sake that I am afraid some people want to say, well, we want the President to go out of office by having two significant arms control agreements with the Soviets in a relatively short period of time.

I do not like what I am seeing and hearing, and I think that I am worried about it.

Let me ask another question. You all three oppose, then, as I take it, the SALT II Treaty?

Ambassador GALBRAITH. Absolutely.

Dr. VAN CLEAVE. Certainly. The SALT II Treaty, as you recall, was never approved by the Senate for ratification.

More than that, even the Senate Foreign Relations Committee insisted on 23 changes in it as a condition for its approval. As I recall, of those present and voting in the Senate Armed Services Committee, it was unanimous that it was not in the interest of the United States.

Senate EXON. How about the ABM Treaty?

Go ahead, Frank.

Mr. GAFFNEY. I worked for this committee at the time that it was arriving at that momentous vote where they found the SALT II Treaty fatally flawed.

I personally found it one of the most difficult aspects of the administration's policy to support while I was in the Government that we would continue to adhere to SALT II despite the fact that it ultimately was violated, unratified and expired.

I supported very much the President's decision finally to say "enough is enough" and that we would no longer comply with this treaty unilaterally.

I became even more concerned when, in part as a result of negotiations in which this committee was involved, we have now put ourselves back essentially in the mode of complying with some of the remaining provisions of SALT II—those which the Soviets have not yet chosen to violate.

These are very troublesome developments and, I think, do not auger well for ensuring there will be Soviet compliance with this agreement.

Senator EXON. Did you all three also oppose the ABM Treaty?

Dr. VAN CLEAVE. Senator, I was probably the only one here who was called, in fact, formally before this committee as well as a couple of others to testify on the SALT I agreements. I have been a member of that negotiating team or that delegation.

There were two agreements at the time, the Interim Offensive Agreement and the ABM Treaty. The Interim Offensive Agreement was manifestly, in fact indisputably, unequal. The only possible redeeming provision it could have had was the prohibition on substituting heavy for light missiles. As we saw with the SS-17 and SS-19, that did not work.

The ABM Treaty was, in fact, a deal. It was an agreement on the part of the United States not to defend its threatened retaliatory forces in return for a promise by the Soviet Union not to expand the threat, but rather to reduce the threat; to those forces.

If the Soviet Union did not go through with that deal, then the ABM Treaty was certainly not in our interest. The Soviet Union did not go through with that. In fact, the Soviets subsequently expanded their forces beyond all expectations at the time.

On the ABM side, I would reiterate what I have said. The ABM Treaty could be effective only in prohibiting a defense for a party that did not want a defense. It could not be effective in preventing the side that wished a defense from developing a defense. I think, therefore, in retrospect it has clearly been ineffective as an agreement, and has not been in U.S. interests.

Senator EXON. My time is up, Mr. Chairman. Just one last question.

Mr. Ambassador and Mr. Gaffney, I would ask you either from a standpoint of foresight or hindsight, did you or do you now agree with the ABM Treaty?

Ambassador GALBRAITH. I certainly do not. I never did. I was not in public office at the time, but it was, I think, as Dr. Van Cleave points out, a part of a quid pro quo. The quo was never delivered by the Soviet Union, and it seems to me in sort of a rudimentary contract law there is a lot to be said, that we ought to exit from it because of lack of performance on the part of the Soviet Union.

I obviously am a proponent of SDI, and I think it is absurd for us to allow this defense to stand in the way of what it is we ought to do to defend ourselves, a decision made independently apart from the ABM Treaty.

I would not hesitate a moment to take steps to get rid of that obstacle to the defense of the American people and the American cities, which I think the creation of which will be an enormous benefit to maintaining a will on the part of the West to continue to resist the Soviet Union.

Mr. GAFFNEY. Senator, I am embarrassed to say I was in knickers at the time the ABM Treaty was considered by this body, and so my comments are really entirely retrospective.

But I think it was a noble experiment at the time. I think at some point however, you take stock of an experiment and you decide whether it was a success or a failure.

I think, as both of my colleagues have said, in hindsight it is now clear that the ABM Treaty did not do what it set out to do, and notwithstanding the fact that it has been enshrined in some way in the theology of nuclear arms control, how it helps us really is not clear, since it is not going to prevent the Soviets from acquiring, evidently, a territorial defense against ballistic missiles, and it is clearly going to prevent us from having, I think, even Senator Nunn's limited defense of any practical capability.

It is time to take stock and really examine the question of whether for good philosophical, theological or military reasons it makes sense for us to continue to adhere unilaterally to a treaty that they are also violating.

Senator EXON. I would have to conclude that if I were President of the United States and I sent the three of you to negotiate with the Soviet Union, if you ever came back with any kind of a treaty that you agreed to, we would have one that would be pretty sound in the interest of the United States of America.

Ambassador GALBRAITH. It would be pretty short. [Laughter.]

Chairman NUNN. Thank you, Senator Exon.

I believe Senator Humphrey is next.

Senator HUMPHREY. Thank you, Mr. Chairman.

Ambassador Galbraith, the conventional wisdom around here, for whatever it is worth, and it often is not worth a whole lot, but for whatever it is worth, the conventional wisdom is that this is a pretty poor treaty, but we had better go ahead and ratify it anyway because of European and NATO politics, conventional wisdom being that if we do not, that NATO and Europe will go to hell.

Now, you I think, perhaps more than most of our witnesses, perhaps more than any of our witnesses so far, are qualified to speak to NATO politics, political atmosphere.

In your opinion, what would happen if, for whatever reason, the Senate chose not to assent to ratification?

Ambassador GALBRAITH. Well, I think that is exactly the issue that we ought to address, and I appreciate your bringing it to our attention.

I have spent over 20 years of my adult life in Europe, and I have done business in every country in Europe, and I lived in France something like 10 years, and I lived in England, and I have traveled throughout Germany. I coauthored a book that was published in Germany. I think I know something about the forces that exist there.

First of all, it is clear that we have in this treaty created a Frankenstein monster. I think most of the people who deal with the issues in Europe of how to defend themselves wish to God it had never happened. Now, they cannot go around saying that in high voices because of the obvious political results which are reflected in the polls that show there, the same sort of polls that Chamberlain got when he came back from Munich, people just are always in favor of anything that looks like disarmament.

But that is not what leadership is about. So that is the issue, how do we deal with getting us out of this God awful mess that we have gotten ourselves into? And I think, first of all, there are a lot of people in the media, writers, intellectuals, people who influence public opinion, who would be mightily relieved if we were to get rid of it, and would say so to the public and would have a salutory influence on public opinion and political life.

So I do not think we should just say it is all going to go to hell. That is the party line that is coming out, but it is not true.

Certainly in France—and I go there at least once a month. I was there 20 times last year, and I will be there 20 times this year, and I give speeches there, I write, and I know what is going on. Most of the people who think about these issues in France would just be delighted if this thing were not ratified by the Senate.

Now, I am trying to search for a way to——

Senator HUMPHREY. The point is, they have to deal with the broad public.

Ambassador GALBRAITH. Right.

Senator HUMPHREY. Voters. That's right, and in that context, what would happen if we failed to ratify it?

Ambassador GALBRAITH. I think that it depends on how you do it. If—I alluded to it a bit in my testimony.

I think if the Senate were to reject this treaty on the basis of verification, that it is clearly not verifiable, and there is no question that you would be on the side of the angels in that because it is manifestly not verifiable, and what you are saying by rejecting it on that basis is that we are not going to go along with this glossing over, this sort of what I call blatantly a coverup on the part of administration, with the fact that we do not know how many missiles there are out there.

So I think if you rejected this treaty on the basis of verification, explaining it very carefully why it is not verifiable, you would be acting in conformity with a condition precedent that was always available in connection with this treaty, i.e., verification, and it would be, your position would be understandable, and I think that would go a long way to overcoming those voices which are obviously going to shout against you when you do it. But that at least gives us a legitimacy and it gives us a basis on which men of good will can go out and argue.

I do not believe that we should give up on our Pershing IIs simply because we may inconvenience a few European politicians.

We have created a problem for them, but, God, that problem is miniscule in comparison with the problem that we have if we get rid of these Pershings and the consequence to Germany as a military ally.

So I am searching today for a method by which we can reinforce the justification and thus help the political situation.

Dr. VAN CLEAVE. Senator, if I may add something to that. Of course, NATO may go to hell politically, but I agree that refusing to consent to this ratification is not going to be the proximate cause of its doing so.

But the point I would add is that however one comes out on that particular question, one thing is clear: placing reservations, amendments, clarifications and other kinds of safeguards and conditions on this agreement would not have a deleterious political effect, whatsoever, and could well be taken by our allies with reassurance, as proof that we are attentive, we are careful, and we are looking out for their particular interests, and for our own. This agreement, if it is to be ratified, can and should be improved and made safer.

Doing this, which is certainly properly within the Senate's prerogatives, I think would help not only strengthen the agreement but strengthen us politically in NATO as well.

Senator HUMPHREY. In any event, Ambassador Galbraith, you are saying that if properly handled, managed, refusal to ratify by the United States would not cause the disintegration of NATO, would not lead to the election of left wing governments, pacifist governments and so on. That is your opinion.

Ambassador GALBRAITH. That is right. I think we can handle this thing. It is not going to be easy. We have made a problem for ourselves. But we can do it and at least what we will achieve is to prevent the next step, the shorter-range nuclear weapons, which are being negotiated right as we speak. Shevardnadze won the Order of Lenin for having negotiated the INF Treaty, and he will probably get the Order of Marx or whatever the next stage is above, if he pulls off the second stage.

So if we resist this one for legitimate, sound reasons which would be understandable to the Europeans, I think we can hold things together, and indeed, a lot of people who influence opinion will applaud, but we also may well head off at the pass the efforts that are now taking place to get rid of all nuclear weapons. And if that happens, then the ballgame is over.

Senator HUMPHREY. Unfortunately, my time is expired.

I thank each of you for your testimony. I only regret that at this stage the press have lost interest, and it is unlikely that your testimony will receive the attention it deserves.

Ambassador GALBRAITH. I will try to do something about that.

Senator HUMPHREY. That was sort of an oblique criticism of the chairman for not scheduling the witnesses sooner.

Chairman NUNN. Senator Humphrey, I have never heard you accused of being oblique. [Laughter.]

Senator HUMPHREY. Well, after last night, I am trying to be a little more careful.

Chairman NUNN. Senator Quayle.

Senator QUAYLE. Thank you very much, Mr. Chairman, and I certainly appreciate the testimony of the witnesses and appreciate the opportunity for the Senate Armed Services Committee to hear this testimony.

Let me just sort of walk back the last, let's go back to 1979, I guess, and take a little walk through history, and tell me what went wrong. Was it strategy from the very beginning? Did we have bad negotiators? Did we cave in at the last minute?

If you had to sit there and put your finger on it so we might learn something from this experience, what went wrong?

Mr. Gaffney, you were part of this effort for a considerable period of time.

What is the basic problem here beyond just the generic, I suppose you could say, the arms control process, but let's set that aside and assume for political reality that at least you are going to venture into this thicket of arms control.

What went wrong here? We have got this agreement that even people that are going to maybe vote for it do not like it. I suppose if you had it all to do over again, I do not know what—I do not know if you had a vote, say, a few years ago, if we knew this was going to be the outcome, what the vote in the Senate would have been, to go ahead and get this agreement or not.

What went wrong?

Mr. GAFFNEY. Well, I welcome the question, Senator, because I think it is precisely the kind of question that this committee needs to think about. That is why I devoted as much time as I did to the process, and I would really not be able to answer your question if I did not say a word about the arms control process itself.

It goes back to what Evan Galbraith said, to some extent the problem is endemic in dealing with the Soviets as a totalitarian, militaristic, closed, secretive society. They do not make great negotiating partners, in the first instance, and they do not make great arms control partners, period, in the second instance.

And coming back to what Senator Exon said, I certainly would not want in anything I have said or am about to say to be construed as impugning our negotiators. I do not think that the problem is with the quality of people, by and large, that we have had. I disagree fundamentally on occasion with some in their attitudes and their orientation, but I think the issue really is not personalities or philosophy, it is part process, it is part the very fact that we are trying to reduce in a good faith way arms upon which we rely critically to deter an adversary who is not similarly dependent upon their arms to deter us.

Senator **QUAYLE**. Are you saying, then, that it was a mistake to put the zero-zero proposition on the table?

Mr. **GAFFNEY**. No, I am not. I am saying that I think under the circumstances which I outlined in my statement as being, one, that you were obliged to have an arms control agreement on these forces by dint of the double-track decision, and two, that it mattered to you whether the Soviets complied or not, I think that drove you toward the zero option.

Ambassador **GALBRAITH**. Well, this manifestly turned out to be the wrong thing, and you have advocating never using it again. Clearly that was a mistake in going forward with that.

Mr. **GAFFNEY**. No, no, no.

Senator **QUAYLE**. What was a mistake?

Ambassador **GALBRAITH**. Putting forward the double-track type of negotiation which Frank very eloquently said we should never do again.

Mr. **GAFFNEY**. That is a mistake. I am not saying, though, that the zero option was a mistake.

Ambassador **GALBRAITH**. But there is another aspect that is much more fundamental.

Senator **QUAYLE**. Wait, wait, wait a second. Let me slow you down.

You say that putting forward the double-track proposition was a mistake.

Mr. **GAFFNEY**. No, that is Van's view.

Ambassador **GALBRAITH**. And the following double zero I think was a mistake.

Dr. **VAN CLEAVE**. I agree with Ambassador Galbraith.

Senator **QUAYLE**. Do you agree putting double zero on the table was a mistake, Mr. Gaffney?

Mr. **GAFFNEY**. No. My view is that we had no choice——

Senator **QUAYLE**. You do not. You think that was a sound position.

Mr. **GAFFNEY**. Under the circumstances—well, our position, after all, was a single zero. It was the Soviet position to have double zero.

Ambassador **GALBRAITH**. No, no.

Mr. **GAFFNEY**. Double zero being SRINF as well as INF. That was a tactical move which I think we were driven into, but I do not associate myself with Van's view that the double zero was a mistake.

Senator **QUAYLE**. You were for a single zero?

Mr. **GAFFNEY**. Yes, our position in 1979 related only to intermediate-range nuclear missiles. It did not relate to shorter-range nuclear missiles.

Ambassador **GALBRAITH**. They have to be distinguished; I agree.

Mr. **GAFFNEY**. In 1987, when Gorbachev adopted the double-zero, the zero option, he said I will see you one zero and I will raise you two zeroes, and that he did to get at the Germans, to capture their Pershing I–As, and I believe he has as a practical matter done that.

Senator **QUAYLE**. So it would have been okay to stick with what you refer to as the single zero on the intermediate forces, but it was a mistake to accept their anteing up when we got into the shorter range missiles.

Mr. GAFFNEY. No, no, Senator. I am sorry if I am confusing you.

Double-track meaning coupling arms control with modernization was a mistake in my view.

Senator QUAYLE. That was a mistake.

Mr. GAFFNEY. Clearcut mistake.

Senator QUAYLE. That was a mistake.

Mr. GAFFNEY. Clearcut mistake.

Senator QUAYLE. Okay.

Mr. GAFFNEY. Single zero, proposed in 1979 through 1987 by the United States, was the only outcome given the circumstances that I think we could come up with.

Double zero, in my own view, if it were realized by the details of this agreement, is something we could live with.

Senator QUAYLE. Double zero is something we could live with?

Mr. GAFFNEY. Yes.

Senator QUAYLE. That is what we have, is it not?

Mr. GAFFNEY. No, we do not have the details right.

Senator QUAYLE. That is what I am trying to figure out, what went wrong.

Okay, in principle you say double zero is okay.

Mr. GAFFNEY. I did not get to finish a brief point.

The problem is not negotiators per se. It is a negotiating environment which is inevitably created as you negotiate with democratic societies and the pressures that they bring to bear on negotiators, governments and so on on the one hand, and totalitarian societies on the other.

We get short shifted in any negotiating session where we have to come to agreement by a date certain, and that has repeatedly happened. I think it happened in 1972, I think it happened in 1979, I think it certainly happened in 1987, and it is going to happen in 1988.

Senator QUAYLE. How do you prevent that?

Mr. GAFFNEY. Well, I think the first thing you do is you slow the process down by taking stock of this treaty and making it clear that the administration will be subjected to precisely the same kind of rigorous criticism, if necessary, and certainly critique of its arms control agreements if it produces another one.

Nothing could be worse, from my point of view, than having the administration take the message away from the Senate's consideration of INF that this is exactly the way it wants all future arms control agreements handled, specifically, rushing to judgment on START, subordinating details to the exigencies of negotiation. They are as important as the broad principles which the administration has unfortunately exclusively focused upon, in my view.

Senator QUAYLE. Did anybody else want to add on what went wrong?

Dr. VAN CLEAVE. Well, I have commented in numerable publications, and other testimony, on the same problems that Frank noted, the problems of the arms control dynamics, of the arms control process, and the asymmetrical impact of them on the West.

Senator QUAYLE. Do you agree that double zero would be good?

Dr. VAN CLEAVE. No.

Senator QUAYLE. You do not.

Dr. VAN CLEAVE. I do not think that was a good idea.

Senator QUAYLE. You do not agree with Mr. Gaffney that that would be——

Dr. VAN CLEAVE. This was the administration's surrendering to pressures, largely self-generated, to get going with arms control. It was the administration getting cute by thinking this would be a good negotiating position, which the Soviets would never at all accept. After failing to prevent NATO's deployment, the Soviets learned how to exploit our own zero option and caught us in a trap of our own making on this. I think that is pretty clear.

Senator QUAYLE. Do you think a single zero was a good position?

Dr. VAN CLEAVE. No, for the same reasons.

Ambassador GALBRAITH. I agree, it was a trap.

Dr. VAN CLEAVE. Last summer, I was mildly debating with a friend of mine, a distinguished senior official in Germany, twitting back and forth on the zero option, and I said, well, General, you know, after all, the idea originated in Bonn. And he responded, yes, I agree with that, Bill, but we Germans trusted that the Americans would have more sense.

Senator QUAYLE. What, on just negotiations, I mean, on the political problem of arms control in general, where would you have gone, in hindsight, anywhere on these forces?

Would you have started perhaps with the shorter, below the 500 kilometers, or would you just leave the whole thing alone?

Dr. VAN CLEAVE. It was sort of happenstance that we isolated this one category of forces rather than more logically starting with either of the other ends of the spectrum. There is no doubt about that. We got the arms control agreements that the traffic would bear. There is no other logical or particular reasons from a strategic perspective or arms control negotiating context to begin this way. Of course, we did begin with strategic forces in SALT I and II, but I mean recently.

We got off the zero option fairly early in the INF negotiations when the Soviets first objected to it. We dropped it and said okay, let's come up with a number somewhere between zero and the levels that you have, or around where we plan. We should have stuck with that, in my view.

Senator QUAYLE. You mean go down to common levels?

Dr. VAN CLEAVE. We should have talked about the virtue not of eliminating systems but perhaps reducing them and controlling them, but at common levels, just what our position was at the time.

Ambassador GALBRAITH. Well, it seems to me, Senator, we started with the wrong end, that we should start in arms control with dealing with Soviet conventional forces. We keep our nuclear weapons there because they have such an outsized advantage on us, it was the only way to do it. And that is an area also where you have a better element of verification.

Senator QUAYLE. I have one other question in particular for Dr. Van Cleave.

Is the doctrine of flexible response alive and well with this treaty?

Dr. VAN CLEAVE. Well, the doctrine of flexible response is itself, by intention, flexible enough to adapt itself to a variety of conditions.

I think what has hurt the doctrine of flexible response has been the changed military balance, and the Soviet military programs that have sealed off the strategic end so that the threat of the use of American strategic forces for theater targeting purposes cannot be very credible to anyone. At the same time, the conventional and tactical nuclear balance in the theater is now so favorable to the Soviet Union that we enjoy no advantages there, and now we are exacerbating both of those imbalances by taking out the middle ground, the INF. With that, I would say that any reasonable doctrine of flexible response at least lacks the military instruments necessary to its success.

Senator QUAYLE. All right.

Senator SYMMS. Mr. Chairman, I just want to make one comment before we close down the hearing.

I want to again thank the three witnesses, and I agree with what Senator Humphrey said. It is unfortunate we do not have a big bevy of television cameras and all of the national media here.

I am going to do what I can by speaking to this testimony on the floor and inserting your prepared text in the Congressional Record so at least it will get some more visible coverage. But I think it is really interesting that we have distinguished Americans such as Dr. Kissinger and Mrs. Kirkpatrick and others that parade through these testimonies and tell us that the forum of the treaty is absolutely—I mean, the substance of the treaty is absolutely terrible, not in our best interest, but because of the forum that we are in, we should be asked to vote for it.

And I particularly appreciate having some witnesses that come in and simply state that if it is a good treaty, if you are a Senator, you should vote for it. If it is a bad treaty, in your judgment, in your opinion, you should vote against it, and let the chips fall where they are.

And the fact of the matter is, which your testimony points up, that some of these old statements that peace is achieved through strength, were true when somebody coined the phrase back in General Washington's time, I guess, or before that, even, and it is true today. And all of this nonsense about sitting down and dealing with people who are clearly liars, clearly cheaters, clearly masters of camouflage and deceit, really in the long run will do nothing toward enhancing the basic peace and freedom which are inseparable of the American people and our allies in Europe and in the rest of the Western World.

It seems to me like that is really what the nub of this is. If we are going to survive, we are going to have to be prepared for the worst and then things will probably come out all right. If we prepare for the worst case scenario, it will never happen, but if we do not prepare for the worst case scenario, we are asking for intimidation that we have never seen the likes of.

And I often tell my constituents in Idaho who complain about the defense budget that if we do not have a strong military, then we cannot expect to dominate the Pacific Rim commercially because we are not going to be able to have the strength to project out there to keep that part of the world safe. And the same thing is true with trading with our allies in Europe. There is no question but what the Soviet intention is to live off of the production of West Germany for the next 25 or 10 years. I think that is clearly what their intent is, they want to peel West Germany off the alliance.

I am through, Mr. Chairman. I think Mr. Galbraith wants to comment.

Ambassador GALBRAITH. Well, I would just like to say, summing up on that point, that there is no question that the Soviet Union has and will continue to deceive us. But the problem is our willingness to deceive ourselves. That is why we get involved in this sort of treaty. We are always looking for a justification, an improvement, a change, the spots are no longer on that beast. We are ready to deceive ourselves, and this treaty to me is a prime example of our willingness to deceive ourselves about the reality of the nature of what the Soviets are trying to achieve, namely, the elimination of our principal deterrent in Western Europe, and they have won without firing a shot. And they are going to win the next step without firing a shot as long as we continue to deceive ourselves.

Mr. GAFFNEY. Senator, could I make one point in addition?

Obviously no one can speak for such distinguished figures as you have mentioned but themselves, but I am convinced in my own mind that in arriving at that sort of contortionist logic for supporting this treaty, which they all by and large disapprove of, they are overlooking the fundamental point that I tried to get at in my testimony. That is that this treaty could very well, if ratified intact by the Senate, give rise to precisely the outcome militarily that they suggest drives them to support its ratification, namely, zero missiles on our side and some missiles, the number unclear, but some missiles, some capability on the Soviet side.

I think if the issue was in fact framed that way, my own guess is that the Jeane Kirkpatricks of the world and the Henry Kissingers of the world would be quite comfortable seeing this treaty fixed, enhanced so that at least we get to the position that they think they are getting to by recommending its ratification, namely, zero on both sides.

Senator SYMMS. Thank you, Mr. Chairman.

Ambassador GALBRAITH. I think it boils down to a need to find a plausible way to present the rejection of the treaty, and I think verification, the lack of verification is a plausible, honorable, legitimate, efficacious way for this Senate to reject this treaty, and I think the Europeans, those who think about it, will be willing to accept verification as a justification for our having made this about turn, and I think those who understand these issues will get up and cheer and will help us in our damage control operation, if you will, as a result of our change of direction, and I do not believe that the gruesome things that are said to be prepared to happen in NATO as a result of rejecting this treaty would indeed happen.

We can control that, we can manage it, and whatever damages exist, they are not going to be anywhere near the damage that will result from the loss of the Pershing II.

Chairman NUNN. Mr. Gaffney.

Mr. **Gaffney**. Mr. Chairman, I just wanted to come back to the question you posed to me at the end of my remarks and that I deferred answering Senator Warner about, and that is what do you do about the compliance dimension of this problem.

I would like to offer four points that I think would be a formula for working that problem, and I think it is critical that it be worked.

The first I have already described, and that is to fix the treaty itself, to get to the point where you have a genuine zero outcome. I think the clearer the obligations of law are, the easier we will find establishing whether the Soviets are, in fact, in compliance or not. The more stark that binary condition I talked about is, the easier we will find determining whether they are in compliance or not, and as a result, the more solid will be the foundation upon which we will make decisions that the evidence supports a finding of noncompliance.

I would also suggest that we must not in the future permit crucial issues of compliance to be drawn into what I regard as an endless, feckless series of discussions in the Standing Consultative Commission or the Special Verification Commission, for this treaty. We have to recognize that there is no court, there are no enforcement procedures for these kinds of agreements, and that as a practical matter, the endless discussions, the process of trying to jaw, jaw, jaw problems away invariably results in paralysis on our part. It does not, in fact, solve—despite what you hear as part of the ritual incantations about the virtues of the SCC—compliance problems.

Third, I think that the reservation to the instruments of ratification that I would suggest be fashioned has to provide for some measure of automaticity, to some sort of compliance solution. It has to be automatic because it is going to be tough to persuade the Soviets, the allies, the Congress, the public, that we should ever do anything about Soviet noncompliance. There will always be an enormous resistance to doing anything about it, and it will be in particular tough for a President if in fact the trigger mechanism, as I assume it must be, is Presidential decisionmaking, Presidential certification that a noncompliance——

Chairman **Nunn**. What adjectives would you use to describe it legislatively if it was automatic?

Mr. **Gaffney**. Well, may I come back to that?

Chairman **Nunn**. Would you say any violation, or would you say any intentional violation, or would you say any intentional substantial violation? What adjectives would you use, or would you use any?

Mr. **Gaffney**. Well, I would like to just—let me finish the fourth point, if I may, and then maybe that will be a little clearer.

Chairman **Nunn**. Surely, go ahead.

Mr. **Gaffney**. I want to emphasize, Mr. Chairman, the difficulty of the President making a decision, whatever the adjectives used are, is a critical one. I remember vividly a discussion I had with one of the senior representatives of the intelligence community back when we were fighting about whether the Soviets' SS-16 was a violation of the SALT II Treaty or not.

He actually said, after hours spent haggling about the question of law, the question of fact, if it were not for the fact that a conclusion by the intelligence community along these lines would cause the Soviets to be found in violation, the intelligence community would characterize the SS-16 as a deployed system. They did not say that publicly, it was not on the record, but that was his private, personal view, and I think it is symptomatic of the suborning of the intelligence community that takes place.

We see it now on this question of how many SS-20s are there. We will see it for sure on the question of are the Soviets complying or not——

Chairman NUNN. Would not making it automatic make it even more? Every time you have automatic capital punishment for a crime, then the prosecutor, the judge and the jury become much more reluctant to ever declare that the crime has been committed. That is the whole experience of human nature.

Mr. GAFFNEY. I think it is a serious problem, it is a serious problem any way you cut it, but I think it is important that the Senate take stock of the matter as a problem and not just assume because they have said get a Presidential certification that that will necessarily result in decisions.

Chairman NUNN. I agree, but I do not know the answer to it. If you make it automatic, I think you take that statement you got from an intelligence officer, and you make that probably 10 times more likely to happen.

Mr. GAFFNEY. It is happening with 100 percent effect now, Senator. I do not see it getting worse, to be honest.

Dr. VAN CLEAVE. You could also have someone hold the administration's feet to the fire on this. Keep in mind that if it had not been for the President's General Advisory Committee on Arms Control, it is unlikely that this administration itself would have come forth publicly with declaring violations, and therefore that speaks for having something like the GAC, or a B Team, continually monitoring this outside of the administration.

Mr. GAFFNEY. I completely agree with that.

Finally, fourth, it seems to me that the responsive steps that would be taken have to be specified, if not precisely, then at least generically, that it cannot just be sort of vague mumbo jumbo, we will do something if you do not comply.

Bill has mentioned safeguards a la the Limited Test Ban Treaty. That is an interesting model except it shows what often happens. Several years after the treaty was in effect, the safeguards which Senator Jackson and this committee were instrumental in bringing about tapered off, went away. We lost the capabilities. The funding, while protected early, disappeared as time went on.

I think that has to be avoided, and I think the steps, the specific steps have to be in addition to the baseline program. They cannot just be saying that you have got some system which will be a SLCM or an ALCM which is already in the inventory, and we will just use that to cover the targets if some problem arises. That is expensive, and it is also controversial.

But I think obviously the likelihood that we are going to be able to return INF missiles, to recreate them and then return them to Europe is really problematic. So it has got to be something, it would seem to me, that is of a character that we can build, we can field, we can have at our disposal that is above and beyond what we are currently planning to do. And that is, again, something that we, I am sure, would all be delighted to offer substantive and specific recommendations to the committee on, but in a general way, I think that is the way you have to go.

Chairman NUNN. I agree with your description of the problem. I do not have any disagreement with that at all. It is a big problem and will continue to be a problem for any administration. We are in the 8th year of this administration, probably the most suspicious of Soviet motives of any administration we have had in years, and more inclined to take action than any other administration has been—maybe we cannot speak for the future—and yet we have not ever had a single person in this administration come over and testify as to what should be done in response to Soviet violations.

You have been one of the most knowledgeable witnesses. You have been in this administration, and have laid out principles most people would agree with, but there is nothing specific. There is nothing legislative. There is nothing that you have laid out that is concrete in terms of setting something up. Every time I have seen anything that anybody has drafted about something concrete, it always has subjective words in there like "intentional" or "substantial," and when you put those in there, you have gotten yourself right back in the question of judgment, and then you have got who is going to make the judgment.

I agree with your description of the problem, but I would have to say I have not heard the solution.

Mr. GAFFNEY. Well, Senator, I would just respectfully submit that I certainly testified, and I know others did as well, that two things that we ought to do, specifically ought to do, sought congressional approval to do in response to Soviet violations of the SALT II Treaty, were to build more ALCM bombers than the limit would permit, and to retain Poseidon submarines, which the treaty would not permit us to have.

Those were two steps which I thought were modest, they were not terribly expensive, but they had symbolic as well as military value. And those were steps that we took based upon a determination by the President that the Soviets had violated and violated repeatedly and violated in substantial ways the SALT II agreement.

And even after he had made that determination, and even after he has put forward specific steps he intended to take, albeit it belatedly and reluctantly——

Chairman NUNN. Yes, that was 3 years after the violations——

Mr. GAFFNEY. Unfortunately, outrageously.

Chairman NUNN. Well, there are things you can do.

Mr. GAFFNEY. But there you had specific examples, I think, of things that could have been done.

Chairman NUNN. It is like crime and punishment. There has to be some nexus between the violation and the punishment. You cannot discover a violation in 1984 and abide by the interim agreement for 3 years after that, and then come over 3 years later and say, oops, by the way, it is time to take steps now. Let's move otherwise.

Mr. **GAFFNEY**. As one of those who was urging precisely that course of action in 1984, I can wholeheartedly agree with you.

If we had heard from people like yourself that that is what we should be doing, perhaps we would have had better success with administration policy.

Chairman **NUNN**. We had hearings up here on that very point, with your friend and colleague, Mr. Perle. We asked him several times exactly what would be done. This was way back in 1984 to 1985. I mean, the administration never made a suggestion.

Ambassador **GALBRAITH**. Well, I think the reason——

Chairman **NUNN**. I do not say that Congress had any either. I am not making that point.

Mr. **GAFFNEY**. Or was terribly inviting of suggestions, if I recall the episode.

Chairman **NUNN**. That is probably accurate.

Yes.

Ambassador **GALBRAITH**. There is no shortage of things you could do in terms of, for example, linkage. If there is a violation, and I think in the last analysis it has to be a subjective determination on the part of the President, you could give notice to get out of the ABM Treaty. There are all sorts of agreements that are around where we could cause anguish on the part of the violation.

Whether we could mount the deployment of a new system is another thing, as an automatic act. One could move toward that and possibly arrange with a friendly jurisdiction that that be achieved.

Chairman **NUNN**. What do you do, Mr. Ambassador, when the Joint Chiefs tell you that if we got out of the ABM Treaty, that we would immediately be in worse trouble than we are now because——

Ambassador **GALBRAITH**. Well, I would cross examine them very close, and I do not think we would find that would be the case.

Chairman **NUNN**. You may not, but that is the almost unanimous military advice we have received. You cannot jump up and say, hey, you violated, and therefore we are going to take action that our military believes is more injurious to us than it is to you as a punishment.

Ambassador **GALBRAITH**. Well, they suppose that the Soviet Union is abiding by it. I suppose that the Soviet Union is going flat out to build a——

Chairman **NUNN**. No, they are not supporting that. They are saying that the termination of the ABM Treaty at this juncture would inure to the benefit of the Soviet Union because they have a deployed system, they have experience, they have a head start in terms of a system that could be deployed in the next 2 or 3, 4 years, ineffective though they think it would be.

Ambassador **GALBRAITH**. But the ABM gets in our way today from going forward with what is probably in our best interest because——

Chairman **NUNN**. That is another debate. I am not trying to get in that debate, I am just telling you that when you take a retaliatory step that is supposed to punish——

Ambassador **GALBRAITH**. Well, you cannot shoot your own foot, I agree.

Chairman NUNN [continuing]. The other party for a violation, it is awfully hard to take a step that the Joint Chiefs say would be injurious to your own interests. I would hate to tell that one at the local Rotary Club.

Ambassador GALBRAITH. The Joint Chiefs have come out in favor of this treaty.

The Joint Chiefs are working for the President of the United States, and I do not think one should abide by the Joint Chiefs on matters of policy simply because they sit there with a lot of stars on their shoulders.

Chairman NUNN. Well, I have spent the last 2 years on reorganization on that very premise. I do not either. But I am just telling you one of the problems.

Ambassador GALBRAITH. Well I agree, you cannot shoot yourself in the foot.

Chairman NUNN. I have a couple of other questions I would like to ask.

Mr. GAFFNEY. Could I just say one word on the JCS issue because I personally have spent a fair amount of time working with people in the Organization of the Joint Chiefs of Staff before you disregarded their advice and eliminated it. I believe that the Joint Chiefs of Staff are simply not yet coming to grips, as Van has said, with the reality that the retaliatory capabilities of this country are right now beginning to be degraded by the Soviets' ABM capabilities.

I think there is the same notion that is affecting so many other aspects of this debate, that at some point down the road the cumulative effect of all of the little things that we see going on will really be awful, but that we can postpone that date somehow by not recognizing that they are now taking those steps and moving in the direction of fundamental breakout.

I think that is just misguided and wrongheaded, and I have spent endless hours debating the issue with the JCS, only to find again and again and again it comes back, regrettably, to a fundamental matter of parochialism, I think just as in the case of the organization issues. The chiefs have certain vested interests individually and collectively, and things that threaten those interests are resisted with the earnestness and the singlemindedness of purpose which, if only devoted to other activities, might well make us a hell of a lot more militarily capable than we are today.

Dr. VAN CLEAVE. I think that helps explain the transparency of the argument that you have just cited of theirs, Senator, that we would be worse off if we got out of the ABM Treaty. What the chiefs are doing here is using the very ineffectiveness of the ABM Treaty in constraining the Soviets as a reason for us to continue unilateral observance of that treaty on the grounds that the situation would be worse if we did not have the agreement, which has not been effective in the first place.

This is such a transparent argument, I do not see how anyone can make it with a straight face.

Chairman NUNN. I think it is certainly a legitimate argument as to whether the Soviet Union has not been restrained by the ABM Treaty. I do not know that I would agree with that. But that is the subject of another day.

Let me ask you a question, Dr. Van Cleave, about your statement on page 9, where you say the START agreement, as it seems to be shaping up, may be more harmful to our security than even this agreement.

You may have gotten into questions with other people, but I did not hear the answer to it. What do you believe is injurious or dangerous about the START agreement as it is now shaping up?

Dr. VAN CLEAVE. I would comment on that in four separate categories, Mr. Chairman. First of all, I think it is obvious that this START agreement was formulated in isolation from a consideration of established U.S. strategic doctrinal requirements, including survivability of forces and targeting requirements. This is similar to the INF agreement, where U.S. positions were not derived from existing NATO strategy and established military requirements.

These are arms control agreements, and they are not formulated by following closely the establishment of doctrinal requirements, or in close conformity with them.

Therefore, second, the type of limits that START now presupposes will in fact increase instability strategically by reducing both the aim points, on the one hand, and our options for making reduced forces survivable, while on the other hand will not correspondingly reduce the threat in a way that would contribute to stability.

Third, I get the impression that this administration is willing to trade an awful lot in terms of SDI in order to get this START agreement, and if they are, I think that would be a terrible thing to do.

And then finally, while I believe the INF agreement to be unverifiable, I certainly believe what I see of the provisions of the START agreement to be even more unverifiable.

Chairman NUNN. Let me ask you this point. You mentioned the target or aim point question. It sounds to me as if you are in favor of mobility on our side.

Is that a correct assessment?

Dr. VAN CLEAVE. It is a correct assessment, and indeed, I am in favor of mobility on our side. It is an ironic commentary that arms control was supposed to enhance strategic stability, but our arms control experience to date shows that it tends to reduce all of our options for force survivability. It says we cannot proliferate forces or aim points; under the ABM Treaty we cannot defend our forces; because of verification we cannot conceal them; and because of the positions we have taken in arms control, we cannot make them mobile.

And if you seal off those options, I do not know how to make a land-based force survivable.

Chairman NUNN. Mr. Gaffney, you mentioned if we dropped our provision at the negotiating table that bans mobile missiles, it would be a disaster or something to that effect. I assume that you and Dr. Van Cleave are fundamentally in disagreement on that, is that correct?

Mr. GAFFNEY. Well, Senator, I think there is more agreement than disagreement. My own——

Chairman NUNN. But you are in favor of no mobility, right?

Mr. **Gaffney**. Well, my own assessment is if in an ideal world, our missiles were as mobile and as survivable as the Soviets', and if somebody could figure out a way to ensure that we could be perfectly confident that the rail mobile and road mobile systems the Soviets are deploying will not substantially offset, if not completely offset the ostensible reductions that they are supposed to make under a START agreement, then I would have no objection.

My objection is based simply on two fundamental, I think, facts of life. One is there is no way in this country with our budgets and with our social values and system we are going to have comparably mobile and survivable ICBMs, and point two, there is no way, no way that I know of or that anybody else has told me of, certainly not the claptrap that is developing in the START negotiations, that we will have confidence the Soviets are not using mobile and therefore unmonitorable systems to offset reductions that they are supposed to be taking.

Facing those two realities, which I believe are realities, I conclude that it is in our best interest, if we want a verifiable START agreement, to insist upon reductions that are as verifiable as we can make them, including banning mobility, banning mobile systems. It may be a suboptimal arrangement, but so is the alternative. It is less suboptimal than the alternative.

Chairman **Nunn**. It seems to me you are taking the verification to its ultimate absurdity if verification leads you to a position where you are putting fixed assets with a lot of offensive power into very vulnerable positions and then basically forcing yourself into a situation where you have less stability than you did when you started.

I think Dr. Van Cleave makes a point there that is almost unassailable. I just do not know where your logic takes you in terms of any kind of sound agreement.

Just because you have a verifiable agreement does not mean it is a stabilizing agreement.

Mr. **Gaffney**. Well, it is certainly the case that you can take the logic of the arms control process to an absurd degree, and that is what I am afraid is going to come about if you say we are going to have——

Chairman **Nunn**. But you seem to have already conceded that.

Mr. **Gaffney**. No, no, no. If you have an agreement that is unverifiable but as long as you think your systems will be more survivable than they will be without the agreement, that it is a net plus to your security interests.

I do not read it that way, Senator. First of all, I do not see the systems being survivable.

Chairman **Nunn**. Well, it depends on your definition of verification whether——

Mr. **Gaffney**. And second, I do not see them being effective.

Chairman **Nunn**. It depends on your definition of verification and the degree of risk of having something go undetected, and how long it would go undetected, and what steps you would be able to take.

Using verification as if you either have it or you do not have it in the 100 percent or zero kind of situation I do not think can ever adequately describe verification.

Dr. **Van Cleave**. If I could just add something to that, I certainly agree with your position on this, Senator, that survivability is more important than verifiability. Survivable forces is a requirement that transcends arms control and therefore transcends arms control verification. This is also so, particularly since we are making a charade out of verifiability anyway. We cannot verify Soviet missile forces. And this is not a new problem with the mobile transporter erector launchers. In 1969 when we had the Verification Panel, we recognized that early that we could not verify the number of missiles produced or maintained or stockpiled by the Soviet Union. All missiles are movable. That is a problem that existed before we had these particular mobile systems, and is not really greatly changed.

But the Soviets are going ahead with mobile systems, that is clear. If we enter into a self-prohibition, like we did in a unilateral statement on SALT I, it will deny us but not deny them.

There is no doubt that they have advantages, given 8½ million square miles of territory, a society that can be regimented and with no public interface problem, in deploying mobile systems. But I do not accept the contention that this country cannot have a reasonable mobile configuration that would enhance sufficiently the survivability of our retaliatory forces, and I think that there are on record several alternatives for doing that. Besides, as I said, all other options for a survivable land based ICBM force seem to have been ruled out.

Mr. **Gaffney**. My concern is precisely the same as in INF. I do not disagree that you get into shades of grey on verification. All I am saying is if it matters to you—and you are, after all, betting the store by cutting in half the most important military systems we have—if it matters to you that the other side is also cutting in half to equal levels their forces, then it is in your interest to make as stark as possible the black and white character of the verification regime.

Chairman **Nunn**. I agree.

Mr. **Gaffney**. And banning systems will do that.

Chairman **Nunn**. I agree with that as long as it does not cause you to do something that is fundamentally stupid.

Mr. **Gaffney**. No, but it seems to me that there is another option here which ought to be mentioned. I think Bill would agree that if you have defenses as a complement to your missile forces, you are not going to get into the stark binary situation you have proposed, which is stability with mobility or instability without it.

You can have, I think stability, in fact, greater stability at less cost with defenses and immobile systems than you are likely to have with effectively immobile systems that are purportedly mobile, because I disagree fundamentally with Bill on one point, in the final analysis our systems are going to be garrison based, whether they are rail- or whether they are road-mobile, and that is not survivable.

Chairman **Nunn**. I prefer to hedge my bets. I mean, you are putting all your chips in one system. Your logic takes you to an arms control regime that basically ends up with no mobility and vulnerable targets on each side with perhaps a higher degree of instability because of the ratio of offense to defensive targets. And then you are betting that we are going to go forward with SDI. While you would not bet that this country could ever have a mobile system, you are betting we are going to deploy an SDI system to protect those same assets, and I would say that whatever the odds are against a mobile system, the odds probably against an SDI system that is going to protect those in the atmosphere we have got and the budget situation we have got are probably even higher.

I do not know how to assess either one of them odds-wise, but you are really betting on the come there.

Ambassador GALBRAITH. Well, going back to where we were starting from with respect to the concept of verification as it applies to this treaty, it seems to me that the outrageous aspect about it that is put forward is that this treaty is verifiable without any kind of ifs, ands or buts, the public in this country has been told that they have a very strict regime, and it is verifiable.

And they then, the administration is resorting to sort of a de minimis non curat administration which respect to the obvious holes in it. They are trying to pass this off as unimportant, this is kind of another definition of verification. It is a broader, fuzzier one. But there is nothing de minimis about the leaks in this verification. No matter, if you even use the word at all in any context, this is nonverifiable. It is not 100 percent, it has got a hole so big in it you can drive the Washington Redskins.

We can have 400, 500, 600 SS-20s out there. Somewhere along the line one has to take up the fact that, damn it, this thing is not verifiable. And then what do you do?

De minimis is gone. The only thing you can really do, I think in all honesty, is to point that out and act and reject it, and use that verification as your justification going to the Europeans and trying to calm the storm that everybody is talking about.

Chairman NUNN. Well, I would join you in trying to convince the French rather than the other Europeans.

Ambassador GALBRAITH. Well, they are all for this.

Chairman NUNN. If this is rejected, put me on the list to go see the French because you are right about them, but they are not in the same frame of mind as everybody else is.

Ambassador GALBRAITH. Germany is split, they have got two different people, you are right. France is easy. You know why? Because they have got nuclear weapons. They feel fairly equalized.

Chairman NUNN. I would hope we could persuade them to do more on the conventional side because as they sit on the sidelines and critique, it would be very helpful if we could, for instance, use their air bases and their ports.

Ambassador GALBRAITH. I advocated that when I was there, and I must say I was turned down by our own Defense Department because that would take money away from programs that were already prepared. But I tried to get the——

Chairman NUNN. Well, that is another ultimate in absurdity, I would say.

Ambassador GALBRAITH. Right. I tried to get the French to talk about it, but neither side—it is out in the open now. It had been kept sort of as a dirty secret.

Chairman NUNN. Things are changing a little bit in France.

Ambassador **Galbraith**. And I would think we might, if we do this INF and if it leads to the grisly scenario that I see, we may well have to reestablish all our supply bases in France, and indeed, we may have to come to the day where we are faced with a decision to bring our own troops home or put them in France, and that will be a tough one.

Dr. **Van Cleave**. Senator, may I clarify my position on this mobility issue just for the record?

Chairman **Nunn**. Dr. Van Cleave.

Dr. **Van Cleave**. I have been involved ever since 1972 in studying various options to improve the survivability of a land-based deterrent force.

The first thing I would say is that many of these options, variations of mobility and concealment and multiple shelters and the like, we were driven to because the ABM Treaty did prohibit us from defending the force against ballistic missile attack.

At this point in time my interest is, as you suggest, in preserving and hedging our options since it is unclear at this point in time what the mechanisms will be to preserve the land-based ICBM force. Therefore, I would like to preserve the option of mobility, as well as the option of multiple shelters, as well as the option of defense.

After studying all of them, however, and even being for mobility in the small ICBM, I would agree with Frank Gaffney that defense against ballistic missile attack is probably the most effective option we have available, and also, it buys us a lot more. Mobility of ICBMs protects only ICBMs. Defense protects ICBMs and other things as well, including against accidental attacks.

Chairman **Nunn**. I think it depends on what kind of defense would be designed, and I think one of the big gaps and one of the things that is compounding the problem is the descriptions of the defensive systems that we are seeking, because they are totally different concepts. Total population protection is one thing. Protection of one's deterrent is another. And I would say that the mobility and the deception features that you have advocated for so long would also complement a defense, and vice versa. If you have deception and your adversary does not know which target you are going to defend, it greatly multiplies the complexity of an attack.

I think we are off on a very, very bad rhetorical course in the whole description of defense, and while the description that has been given by this administration may be more salable to the American public at this juncture of history, it has a trap door as far as a future President who may want to deploy the kind of defenses that you have just described, to protect one's deterrent. People are going to jump up and say sorry, I do not want to vote for that because you promised us we were going to have a population protection that not only would protect the population of America, but also would allow us to move away from even the threat of retaliation and response. We are going to declare deterrence immoral and move to a defensive regime.

That is a totally different concept that has gotten us in a deep morass in terms of the defense debate.

I do not know how we unwind it. I have done a lot of thinking about it, and I must say, my latest proposal was greeted with severe criticism from both the right and the left. Obviously I have not found the answer.

Mr. GAFFNEY. Mr. Chairman, could I offer a suggestion, because it seems to me that there is in fact a way ahead, and that is as long as you do not do what I understood you wanted to do, which is to exclusively circumscribe the defense system that you are pursuing as a ground-based system, but instead, give it space-based components, you are in fact giving yourself—whether it is through sensors or through interceptors—the capability to attack targets, incoming missiles, very early in their flight. That gives you, I think, although it is not a perfect defense, but it allows you the opportunity to defend large amounts of territory.

Chairman NUNN. I have not excluded that. What I have said is that we are not anywhere near being able to make that judgment now.

Mr. GAFFNEY. But I submit that we are at the point now where we need to make the judgment about whether we will give sensors in space the capability that will permit your ground-based interceptors to defend enough of the United States to be interesting, either for population purposes or for strategic deterrent purposes. I think you can get through space-based capabilities what you cannot get through ground-based capabilities.

Chairman NUNN. You protect your population by preventing a war. We have been protecting our population for 40 years. I think that we have to define our terms more carefully. It is not that you are going to shoot down every single nuclear weapon that could be aimed on a city, it is that you enhanced deterrence, but that is not the way the public understands it. Until they understand the difference, it is going to be almost impossible to solve it.

Mr. GAFFNEY. As someone who has spent an enormous amount of time on the front line trying to explain what our position was, I completely endorse your call for clarity. All I am suggesting, Senator, is there is an alternative I think in a technical sense that will give you the capability not for a perfect astrodome defense, and not 20 years from now, but relatively near at hand, that would enhance deterrence, would deter war, would prevent attacks, by creating uncertainty in the minds of your prospective attacker about his ability to attack any of a series of targets, whether they are population or whether they are strategic forces.

Chairman NUNN. We will return to this argument another day, and the discussion, because I agree on some points that have been made.

I thank all of you for being here. You have been very helpful, and we will take very much into account the testimony you have given here today.

Thank you.

[Whereupon, at 12:25 p.m., the committee recessed, to reconvene at 2 p.m., this same day.]

NATO DEFENSE AND THE INF TREATY

WEDNESDAY, FEBRUARY 24, 1988

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

STRATEGY AND CAPABILITIES FOR NATO DEFENSE

The committee met, pursuant to notice, at 2:07 p.m., in room SR-222, Russell Senate Office Building, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Stennis, Levin, Glenn, Shelby, Warner, Cohen, Quayle, Wilson, Symms, and McCain.

Staff present: Arnold L. Punaro, staff director; Carl M. Smith, staff director for the minority; Jeffrey H. Smith, general counsel; Patrick A. Tucker, minority counsel; Kathryn E. Bognovitz, special assistant; Gerald K. Bankus, Robert G. Bell, Robert F. Bott, Brian D. Dailey, Richard D. Finn, Jr., Judith A. Freedman, John J. Hamre, George K. Johnson, Jr., Ronald P. Kelly, James R. Locher III, David S. Lyles, Michael J. McCord, T. Kirk McConnell, and Norman G. Mosher, professional staff members; Colleen M. Getz, research assistant; Barbara B. Brown, Barbara Gallo, Lori M. Jackson, Mary J. Kampo, Pamela G. Powell, and Mickie Jan Wise, staff assistants.

Also present: Jeffrey B. Subko, assistant to Senator Exon; Gregory J. Weaver, assistant to Senator Levin; William J. Lynn, assistant to Senator Kennedy; Donald A. Mitchell, assistant to Senator Glenn; Terrence Lynch, assistant to Senator Shelby; William J. Wight, assistant to Senator Warner; James M. Bodner, assistant to Senator Cohen; Mark J. Albrecht, assistant to Senator Wilson; Lorne Craner, and Anthony H. Cordesman, assistants to Senator McCain.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Chairman NUNN. This afternoon our committee conducts our 21st hearing on NATO defense and the INF Treaty. After our recent focus on the specifics of the treaty, the committee will renew this afternoon our attention on the broader issues of strategy and capabilities for NATO defenses, especially in the post-INF environment.

We are extremely fortunate to have Dr. Henry Kissinger as our witness. He needs no introduction to this committee or to any other committee of the Congress. Dr. Kissinger has written extensively on the issues that are the focus of this committee's inquiry.

We are delighted he has taken time from his busy schedule to share his expertise and experience. This committee also appreciates the special effort Dr. Kissinger made to submit his prepared statement early yesterday afternoon. Copies were immediately made available to the committee membership. We have had an opportunity to read and study the statement in advance, at least some of us have.

Dr. Kissinger, we are in session until about 3:30 or 4 o'clock this morning. We had half of our membership, on the Democratic side, that was going through procedural motions, and the Republican side was trying to avoid arrest by the Sergeant at Arms.

We had a very different kind of evening, and only history can judge which side was using its time to the greatest advantage.

Senator Cohen.

Senator **Cohen**. I was just going to point out that Secretary Kissinger has experienced gestapo-like tactics in the past. We experienced them last evening at the hand of the Sergeant at Arms.

Chairman **Nunn**. To the best of my knowledge, no Republican Senators were apprehended, let alone arrested.

Senator **Warner**. Senator Packwood was.

Chairman **Nunn**. So there was some success. [Laughter.]

Dr. Kissinger, we are delighted to have you here today, and we would welcome any kind of summary you would like to make of your statement or whatever time you would like to take. We are indebted to you for coming and taking your time to address these crucial issues, and we look forward to your statement, plus questions and answers afterward.

Before I go to Senator Warner, I would like to submit Senator Dixon's statement for the record.

[The prepared statement of Senator Alan Dixon follows:]

Prepared Statement by Senator Alan J. Dixon

Mr. Chairman, I am very pleased to welcome Dr. Henry Kissinger before this committee today. Dr. Kissinger will provide expert testimony on the INF Treaty and the strategy and capabilities for NATO's defense.

I was very impressed with the statement Dr. Kissinger has provided to the committee. It was a thoughtful assessment of the political implications of the INF Treaty to the future of the NATO alliance. I share some of Dr. Kissinger's concerns, especially about the dangerous imbalance of conventional forces in Europe, the need for modernization of forces in Europe, and for our NATO allies to assume more responsibility for their own defense.

I respect Dr. Kissinger's reservations about the INF Treaty, although I believe in the need for arms control to secure world peace. We must do our best to reassure our allies of our continuing commitment to European defense, while encouraging them to do more on their own behalf.

A number of witnesses have put forward proposals for the modification of the treaty. We must look closely at the treaty and examine the negotiating record to ensure that this is a good treaty that will achieve the desired objectives. I assure this witness and the others before him that the committee will carefully weigh all testimony presented before making its recommendation to the Foreign Relations Committee and the full Senate.

I look forward to Dr. Kissinger's testimony and his contribution to this debate. Thank you Mr. Chairman.

Chairman **Nunn**. Senator Warner.

Senator **Warner**. Thank you.

I have had an opportunity just a few moments ago to visit with our distinguished visitor, who I have known and worked with for many years. We welcome you.

Chairman **Nunn**. Dr. Kissinger.

STATEMENT OF DR. HENRY A. KISSINGER, FORMER SECRETARY OF STATE AND ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS

Dr. **Kissinger**. Mr. Chairman and gentlemen of the committee. I appreciate this opportunity to appear here. I have admired the work of this committee greatly.

I will not read my entire statement or even any parts of it, but with your permission let me summarize its key points. I began with a discussion of the problems that strategic doctrine has faced within the NATO alliance since its beginning.

When NATO was formed, it relied in effect on the doctrine of massive retaliation, that is to say that any Soviet attack on Europe would be met with an overwhelming nuclear response. And in terms of the technology of that period, that made sense because we had first an atomic monopoly and then a huge nuclear superiority.

In a somewhat anomalous way, we nevertheless also sent substantial conventional forces to Europe, even though in terms of the strategic doctrine that would not have been necessary. The reason for the deployment of conventional forces in Europe was political, rather than military, in the fifties.

That is to say our European allies had had enough experience in their own history of the precariousness of alliances to want a more tangible guarantee than the assurance of the American leadership that we would in fact come to their assistance, and therefore they wanted a tripwire or enough of a force to guarantee that Americans would be involved in combat and therefore make it more likely that nuclear weapons would in fact be used.

And that was also, at least inarticulately, the reason for their own conventional buildup.

Now, ever since then NATO has been beset by this ambivalence, to have a military establishment on the continent large enough to raise the risks for the Soviets, but not so large as to give the United States an ultimate alternative to nuclear retaliation.

That state of affairs became more and more precarious as the Soviet nuclear stockpile developed and as our American weapons decisions with respect to our strategic forces moved more and more away from discriminating targeting and a counterforce strategy.

In these circumstances, NATO has had an inconsistency that it has not ever resolved. There has been a conventional buildup, but it is arguable that it has not been as fast as the Soviet conventional buildup. And the link of the conventional defense of NATO to the nuclear defense of NATO has been a subject of argument, or at any rate has been in the back of the minds of the NATO—has been in the back of the NATO disputes.

It is for that reason that, regardless of any of the disputes about INF and other current issues, a re-examination of NATO doctrine is necessary. And the committee, with all due respect, is doing a very useful service in focusing attention on this problem.

My own view is that wherever one draws the dividing line between conventional and nuclear defense, the argument that is made by so many, that a nuclear defense must of necessity be total and aimed at the most cataclysmic strategy, is one that cannot be sustained indefinitely.

I think the political leadership of the alliance has an obligation to limit the consequences of nuclear war should it break out, and I do not think it is possible to keep relying on a threat that involves the certainty of suicide. Our allies have a right to ask of us that we risk what is necessary for their defense, but they can have no interest in the consequences of some of the strategies that are being proposed.

Now, all of these disputes which have been in here and in NATO and have been going on for a long time, and not only in this administration—they have been going on for 20 years at least—have been accentuated by the INF agreement and the debate that it has generated.

I want to make clear that, even though I have had the gravest reservations about that agreement, even though I believe that we started at the wrong end of the nuclear spectrum in the negotiations, I do not think that my concerns can be cured by non-ratification. Whatever damage this agreement has done in the political field, it has already done.

And we would pay an exorbitant price if the Senate by a minority larger than a third but less than half, which is what would be the situation, would refuse to ratify the agreement.

Having said this, however, I would like to point out why I think the agreement has raised a whole new set of issues. I believe that the INF deployment, whatever its original justification had been, operationally performed the function of linking the nuclear defense of Europe to the strategic retaliatory capacity of the United States, in the following way.

As the credibility of the American nuclear threat declined on the basis of calculations, the location of weapons that would be in the direct line of a Soviet advance provided a reassurance of a certain automaticity of response.

The Soviets had to calculate that we would not permit these weapons to be overrun without using them, and that therefore some delegations would probably have taken place, whether or not this was the case. The Soviets would therefore have had to attack those weapons if they wanted to launch an attack on Europe.

But even a 90-percent effective attack would have elicited a counterblow that, standing by itself, would have produced exorbitant damage. The Soviets could not cure that problem except by simultaneously attacking the American strategic forces in the United States. In other words, they were put into the position where they could extricate themselves from their dilemmas only by the initiation of general nuclear war, which was a risk out of proportion to any objective to be achieved.

That organic link has been severed to some considerable extent by the INF agreement, and it cannot be cured by arguments of counting warheads on both sides.

It has had the second difficulty that those groups in Europe, especially in the Federal Republic of Germany, who have in the entire postwar period stood for a close alliance with the United States have been somewhat demoralized by this agreement, pushing the political spectrum more in a neutralist direction and driving some of them in a more nationalist direction.

This is revealed in the debate that is now going on with respect to the so-called third zero option, the modernization of the alliance weapons. And I mention these issues not because I want to keep carping on a treaty that I consider to be an accomplished fact, but because I believe we have to understand what the problems are that need to be cured in the alliance.

Now, let me sum up very quickly the arguments, the directions in which I believe we ought to attempt to go. One, we need a coherent NATO strategy which deals with the issue of the relationship between conventional and nuclear defense and between the various kinds of nuclear defense. In this respect, I want to warn against two tendencies, one on this side of the Atlantic, the other on the European side of the Atlantic.

On the American side of the Atlantic, it is not—I would warn against the constant reiteration by the administration and other spokesmen that the goal of American arms control policy is the total elimination of nuclear weapons. That is an unachievable objective. It is not even a desirable objective.

So many weapons have been produced that no conceivable verification system could reassure us against weapons that might be hidden in the Soviet Union. Then there is the problem of third country nuclear capabilities, so that very soon any such negotiation would get us right back to where we are in one way or another way, namely to a level of nuclear force that we consider compatible with our security.

On the European side, I would warn against the tendencies toward the third zero option, because the larger evolution of that is toward the denuclearization of the Federal Republic of Germany.

Chairman NUNN. Senator Warner suggests we all go vote, because we all want to hear what you have to say and we have a vote on. And we will be back in about 5 or 10 minutes.

We will recess briefly.

[Recess.]

Chairman NUNN. Dr. Kissinger, we apologize for the necessary break, but we had to go vote. I hope we can get a few minutes now without a vote. Why do we not start back where you were.

Dr. KISSINGER. I had reached the point where I wanted to—where I warned against the tendencies that are developing in Europe, especially in the Federal Republic, in the direction of the so-called third zero option, the removal of short range nuclear missiles from Europe, which would gradually move in the direction of the denuclearization at least of the Federal Republic of Germany.

I believe this would have the gravest consequences for the future of the alliance. The denuclearization of the Federal Republic would almost inevitably produce a proposal for the no first use of nuclear weapons, because there would be no benefit from denuclearizing if weapons based outside the territory could be used on the territory. And I have noticed that the French President already felt obliged to make a public statement to the effect that French weapons would not be used on German territory.

On the other hand, the no first use doctrine implies that NATO would prefer to be defeated with conventional weapons to using nuclear weapons, and when we have reached the point where the distinction between whether one accepts defeat or not depends on the nature of weapons used, one has in effect abandoned the nuclear guarantee and the link between Europe and the United States.

So these are two dangerous tendencies that have developed partly as a result of the INF Treaty. With respect—and these link us explicitly to the problems of arms control as it confronts the Atlantic alliance.

When I first started out working on arms control in academic life, its advocates were saying that some place ought to be left in the considerations of strategy for arms control because the new weapons were unprecedently destructive.

I feel now we are reaching a point where one has to ask for some space to be left in arms control theory for security policy, and where we run the risk that arms control theory, arms control, becomes an end in itself.

I have had the opportunity to read the testimony before this committee, for example, of Professor Kaiser, an old friend of mine and a fine man. But I have noticed that, in the attempt to vindicate the modernization of short range weapons, proposals are being made that get us down the same road as the INF again, that is that in order to modernize INF he proposes withdrawing all the nuclear artillery, and then links the INF reductions to conventional reductions.

And before we know it, we will be engaged in an arms control exercise that loses any relationship to a coherent NATO strategy. And this is by a man who would agree with every premise that I have stated and whom I consider one of the pillars of defense policy, certainly within the Social Democratic Party.

So this should not be taken as a criticism of him, but rather as an indication that even the most thoughtful observers are now having great difficulty relating arms control and security policy and the need for developing this.

In all of these exercises, I have stressed the importance of Europe developing a more autonomous and more coherent role with respect to its own defense. In the United States we have supported a united Europe in the economic field, but we have been aloof in the military field, though I noticed with great agreement the comments made by President Reagan yesterday indicating our support for a greater European identity in the defense field.

Finally, I devoted some pages to the relation—to the impact of the new Soviet leadership on East-West relations and U.S.-NATO relations, and I simply want to make one point. I do not want to engage in a debate about Gorbachev's real motives and I do not pretend to know Gorbachev's real motives.

I note simply this fact: No Soviet leader has ever accepted several of the key policies of his predecessor. So no matter what one assumes about Gorbachev's intentions, we cannot make Western policy rely on an essentially psychiatric analysis of a single Soviet leader.

Second, one has to look at history. For 400 years the Russian empire under czar and commissar has expanded, for any number of reasons. But to establish a political and security relationship, an equilibrium, between that empire, that has 11 time zones, and its much smaller neighbors has been one of the security problems of Europe and Asia and the Middle East for hundreds of years.

It cannot be removed by one individual, even if he were to conceive peace in the manner in which Americans conceive it. And there is no indication in either the Russian or Communist history that even a conciliatory Soviet leader would have a necessarily parallel view.

So it is absolutely imperative not only that we develop a strategic doctrine, but that we get some concept of what kind of a world equilibrium we are after, and that we do not lose ourselves in an orgy of personal relationships.

Nor should we assume that the Soviet leadership—that the Soviet economic reforms automatically guarantee a more peaceful foreign policy, since their purpose is to make the Soviet Union strong, not to make the Soviet Union conciliatory..

These are my main points, Mr. Chairman, which I concluded with an appeal, which is not necessary in this committee, for bipartisanship in the treatment of these issues, because if the United States is assumed to be changing its policy or reviewing its policy every 4 to 8 years, if our national interest is never perceived to be settled, then we become a factor of instability.

And I find it painful when I read that a senior member of Chancellor Kohl's party said that they could not go along with the modernization proposals of the administration because they did not know what the next President was going to do and they did not want to expose themselves to American changeability.

I think this is a situation that we need to remedy on this side of the Atlantic no matter who wins the election this year.

Thank you very much.

[The prepared statement of Dr. Kissinger follows:]

STATEMENT OF

THE HONORABLE HENRY A. KISSINGER

Mr. Chairman,

I would like to take this opportunity to sketch briefly the main tasks facing the Atlantic Alliance.

Any discussion of the state of NATO must begin with the recognition that it represents one of the great success stories of the post-war period. For more than forty years Europe has known no wars--the longest period of peace in Europe since the creation of the modern state system. While it is never possible to prove conclusively why something has not happened, the Western democracies have every reason to take pride in their collective achievement.

Success breeds two contradictory dangers however: on the one hand complacency and on the other a temptation to tinker that takes the achievement for granted and seeks to combine it with basically irreconcilable objectives.

The Atlantic Alliance faces both dangers: complacency in the reluctance to come to grips with the major political and technological changes that have occurred; tinkering in the restless quest for negotiating formulae often heavily influenced by domestic considerations that will in the long run undermine the cohesiveness of the Western democracies.

Part of the cause for this state of affairs lies in the failure to resolve contradictions that have beset the alliance since its early days. These contradictions were tolerable so long as the democracies possessed a vast military superiority. But the growth of nuclear stockpiles on both sides and the resulting nuclear balance requires that they be dealt with if the achievements of the postwar generations are not to be jeopardized.

NATO Strategy

The present NATO deployment of five American divisions and supporting air and naval forces evolved in the 1950s, when NATO's doctrine was massive retaliation. The strategy then was to react to aggression with an immediate and overwhelming nuclear blow against Soviet territory. From the perspective of massive retaliation this deployment had a political, not a military rationale. On the one hand NATO did not wish to tempt Soviet conventional aggression by doing anything to suggest that a Western response would be limited to non-nuclear means. On the other hand the European members of NATO sought for political reassurance: they wanted to make sure America was organically committed to nuclear retaliation even in the face of conventional aggression. Both European and American conventional forces were conceived as a trip wire for an American nuclear riposte. From the birth of NATO a full conventional defense has been part neither of its strategy nor of its efforts. A substantial non-nuclear establishment was created nevertheless to give credibility to the nuclear threat.

This situation became precarious when the growth of Soviet strategic forces altered the credibility of the nuclear threat. Yet NATO deployment has been essentially unaffected by the change. NATO has improved its conventional defenses but not as fast as the Soviets have improved corresponding capabilities; hence the gap in conventional forces remains and is perhaps greater than ever. As the current NATO commander made clear recently, even counting the five American divisions that have remained in Europe, the alliance is still unprepared to withstand a major Soviet ground attack for more than a few weeks. Ambivalence continues 35 years after NATO's creation. Our allies remain unwilling to develop forces strong enough to provide an alternative to nuclear weapons; the United States would surely not reintroduce the draft. Yet much of public opinion and many leaders shy away from even thinking about the practicalities of nuclear deterrence. Indeed they constantly affirm the unthinkability of nuclear war while basing their security policy on its deterrent effect.

The need to build up NATO's conventional capability has been passionately affirmed for a long time; for an equal period the goal has proved elusive. This is partly because our European allies have less confidence in conventional defense than some American systems analysts. History teaches them that deterrence with conventional weapons is a chancy enterprise. For hundreds of years Europeans have seen wars break out between armies that were thought to be evenly matched. (Even at the outset of World War II the French army was considered to be--and in fact was--superior in numbers and equipment to the German army.) In conventional war, leadership, concentration of force, and tactics, play a role which make systems analysis calculations a hazardous guide. It can be no accident that all wars in the postwar period have broken out where there were no American forces and no nuclear weapons.

NATO has never solved its perennial problem: the proper mix between conventional and nuclear forces and the appropriate strategy for the use of nuclear weapons albeit as a last resort. The doctrine of flexible response was to resolve these issues. But NATO is still some distance from a conventional capability that could sustain itself for even the thirty days envisaged in some scenarios. And the elaboration of a doctrine for the use of nuclear weapons runs into two obstacles: Some anti-nuclear groups insist that nuclear war must necessarily be all-out extermination of civilians lest governments be tempted into nuclear adventures. Some of our allies start at the opposite end of the political spectrum but reach the same conclusion: that anything less than the threat of all-out war would weaken deterrence.

However, statesmanship and morality both demand that so long as nuclear weapons exist governments seek ways to limit their use and to terminate any war before it turns into a world holocaust. In a world of tens of thousands of nuclear weapons, it is reckless to teach that any nuclear incident must automatically escalate into a cataclysm. If the worst happens--for whatever reason--governments have an obligation to humanity and to history to limit the consequences. Only nihilists or abstract ideologues can shirk that duty.

The situation is made more complex because in nearly every NATO country the consensus on defense and foreign policy has broken down. As a result, national security policy is too often overwhelmed by domestic politics. The result has been an unworthy debate in which for example the recent American proposals on modernization are presented by critics as a means of shifting the risks of nuclear devastation to Europe.

Competitive avoidance of nuclear risk cannot possibly be the basis of NATO strategy. It is essential to develop a strategy that distributes risks equitably but effectiveness must be the ultimate outcome. This is why the issue of modernization should become the occasion for a careful and bipartisan reappraisal of NATO strategy and arms control policy. Otherwise the Alliance will be left with a precarious combination of the formal NATO doctrine of flexible response which, however, now has to be applied under conditions of nuclear stalemate, growing nuclear pacifism, a subtle Soviet strategy to separate the US and Europe -- especially in the nuclear field -- and continued inadequacies in conventional forces.

INF and NATO Modernization

Divisive trends have been magnified by the INF agreement. This is not the occasion to analyze the merits of what will soon be an accomplished fact. If the Senate were to refuse ratification, domestic pressures in all European countries would force the withdrawal of these missiles in any event. The current choice is between unilateral withdrawal or the quid pro quo envisaged in the agreement.

To understand the impact of this state of affairs some discussion of the background of INF is important. The formal justification for INF as a counterbalance to the Soviet SS-20's was always a mistake and led directly to the so-called zero option. The INF weapons were never aimed at the SS-20's. Their ultimate justification was to prevent the nuclear blackmail of Europe by linking the strategic defense of Europe with that of the United States. With intermediate range American weapons in Europe the Soviets could not threaten Europe selectively; any nuclear attack and any successful conventional attack would trigger an American counterblow from European installations since the Soviets would have to calculate that the United States would use its missiles before they were overrun. Hence the Soviets would have to attack the missiles if they used even conventional weapons in Europe; that in turn would trigger a counterblow on Soviet territory. Were the war confined to Europe this would inflict an unacceptable level of damage on the Soviet Union. But the Soviets could escape this challenge only by initiating general nuclear war against US territory--a decision out of proportion to any likely objective. Hence the defense of Europe and the US were "coupled."

INF in short was a reassurance for defense-minded Europeans that America would use its nuclear capability on behalf of Europe's survival. But the defense-oriented leaders in Europe faced bitter opposition. In the end the INF missiles were introduced only after riots and demonstrations that shook the domestic tranquility of many countries for months. It is impossible to understand the psychological impact of the INF agreement without considering what the current leaders went through when the missiles were installed.

The NATO challenge can thus be summed up as follows:

-- The INF agreement and the pressures it generates against the remaining nuclear systems places the predominant burden of nuclear defense on weapons based in the United States or at sea.

-- In the process, many Europeans are convinced a gap is being created that in time will enable the Soviet Union to threaten Europe while sparing the United States. In technical terms, the defenses of the two sides of the Atlantic may be "decoupled."

-- This fear is all the greater because the Soviet conventional superiority has not been reduced. The threat that generated NATO in the first place remains intact.

-- The modernization of NATO's short-range nuclear weapons must be seen in this context. The Atlanticists in the Federal Republic have been traumatized by the removal of intermediate range weapons. They fear another change in American position while the critics of US policy feel confirmed in their view. Both now tend to unite against a scheme that can be represented as making Germany a nuclear battlefield. Sentiment is therefore being generated for the removal of these missiles--the third zero option. And modernization of short-range weapons is likely to face the same domestic opposition as the intermediate range weapons a decade ago.

On the other hand, the denuclearization of the Federal Republic--the nearly inevitable consequence of the third zero option--would create profound splits in the Alliance. A nuclear free zone logically implies the adoption of a "no first use" concept, because otherwise the zone would still be under nuclear threat from weapons outside. And once the alliance has proclaimed that it would not use nuclear weapons first, it is committed to accepting defeat with conventional weapons rather than escalating to nuclear war. Once the principle of defeat is accepted the neutralization of Central Europe, the goal of Soviet policy for 40 years, will be nearly complete. The nuclear armed members of NATO would be asked to assume risks on behalf of the Federal Republic which that country is not prepared to run for itself--an impossible state of affairs.

The Future of the Atlantic Alliance

A single statement can do no more than outline directions. A complete policy must emerge out of a detailed debate within the United States as well as within the Alliance. But restoration of the unity of the Atlantic Alliance must be a prime objective of American foreign policy; without it a continuation of current East-West negotiations will lead to the unravelling of all that has been achieved by forty years of bipartisan foreign policy.

a. A Coherent NATO Strategy

The ambiguities that have beset NATO for forty years--some of which have been outlined above--must be overcome. On the part of the United States it requires an end to the rhetoric that America's goal in East-West negotiation is the total elimination of all nuclear weapons. Such a goal is neither possible nor desirable and Western leaders do their publics a disservice if they shrink from avowing this truth. Tens of thousands of nuclear weapons have been produced by the superpowers; hundreds by medium-sized countries; dozens by recent entrants into the nuclear club. No scheme of disarmament could account for all these weapons. Nations would insist on residual forces to protect themselves against cheating, or against the fact that the factories that produced the weapons would remain, or, should by some improbable chance these too be destroyed, against the knowledge in the minds of men from which these factories and weapons sprang in the first place. Mankind cannot unlearn the secret of the atom. For the immediate future--even assuming forseeable reductions--that level will remain quite high; the real issue before us will be the nature of deterrence, and its components.

At the same time our European allies have an obligation to face strategic and technological realities. Too many of them create the impression that deterrence can be separated from defense and that it depends entirely on the vastness of the threat. But deterrence in fact is the product of the threat and credibility. If credibility is zero even the most devasting threat will amount to nothing. Europe has a right to insist that the United States use all the means necessary to stop Soviet aggression. It can have no interest in a strategy that has the end of all civilized life as its inevitable corollary. The elaboration of other options is in the interest of both sides of the Atlantic.

It is therefore urgent to end the demoralizing debate over which side of the Atlantic is seeking to escape what risks and responsibilities. The goal must be an effective defense at tolerable cost. The deterrent threat cannot be separated from what the Alliance is prepared to implement without opening a psychological gap which sooner or later will tempt aggressive conduct.

b. Arms Control Policy

The idea of arms control is novel, if not revolutionary. Developed in its present form in the 1950's arms control strove explicitly for stability by reducing the incentive for surprise attack not through arms but through agreement. The historically extraordinary notion emerged that a country's vulnerability was a strategic asset; with the civil populations of both sides at risk--so the argument ran--neither side would dare to launch its weapons. Arms control theory contributed--in the West--to an aversion to defensive weapons; it also caused every offensive system to be subjected to extended scrutiny lest it somehow "destabilize" the military equation. Never before in history had military policy been judged by such criteria; the Soviets for their part have shown no such inhibitions in their unilateral weapons decisions.

This is not the place for an analysis of arms control theory which included many valuable and indispensable insights. However, arms control, to be effective, requires an unusually delicate understanding of the elements of strategy. Nations had often suffered catastrophe in the past even when they fancied themselves superior; negotiating equality with an adversary calls for an unprecedentedly sophisticated analysis. The measurement of equality has been maddeningly complicated by the novelty of the weapons, by the asymmetry in the design of the weapons systems of the two sides, in their geostrategic positions and in the unpredictability of technological developments. Thus even were the Soviets ready for a serious effort, negotiations would be difficult because the weapons of the two sides are designed by different criteria and serve different strategic ends.

Since its early days, arms control theory has developed a life of its own. It used to be argued that arms negotiations should be an essential complement to broader strategic and foreign policies. Today the tail comes close to wagging the dog. Care must be taken lest esoteric arms control schemes become an end in themselves thereby eliminating any relationship to defense strategy.

The issue of NATO modernization illustrates the point. Before the INF agreement modernizing the Lance weapons stationed in the Federal Republic was considered an internal NATO matter not subject to international discussion. The INF agreement has turned it into an East-West issue. Modernization is opposed by the Soviets with the argument that it violates the non-circumvention clause of the INF agreement. And it is opposed by significant segments of German political opinion because it allegedly singles out the Federal Republic for nuclear risk. The so-called "compromises"--linking modernization to some new arms control measure--nevertheless accept the principle of denuclearization of the Federal Republic; the controversy concerns the price.

All this repeats the INF experience. None of the schemes account for the fact that the Soviet Union as a nation state will retain the capacity for nuclear threats while NATO as an alliance in need of 16 sovereign decisions gradually loses that capacity as nuclear weapons are being delegitimized while the conventional inferiority remains. Even assuming full compliance with foreseeable agreements the Soviet Union will always retain categories of weapons on that part of its national territory outside the agreement from which it can launch a threat to Europe. But the removal of categories of weapons in NATO denuclearizes nations--not parts of a national territory. Hence it throws an increasing burden of decision on the United States and elaborates different perspectives between the US and Europe and between the nuclear and non-nuclear countries within Europe.

This is all the more worrisome because NATO depends on nuclear weapons more than the Soviet Union. Finally, large reductions in START work against the discriminating use of nuclear weapons and hence underline the declining credibility of the threat of general nuclear war at a time when the INF negotiations force ever greater reliance on a nuclear strategy founded on weapons based in the United States or at sea. In short, arms control policy and alliance strategy must be brought into harmony lest they paralyze each other. Or else arms control becomes a device by which the Soviet Union gains a veto over Western defense policy without meaningful reciprocity.

c. A Larger Role for Europe.

In the early days of NATO the United States had first an atomic monopoly and later a huge nuclear superiority coupled with economic predominance. It was inevitable in these circumstances that the Alliance structure came to be dominated by America. But since then Europe has recovered economically and restored some of its military strength. Britain and France have developed nuclear forces of their own. In the process, existing arrangements have become unbalanced. When one country dominates the alliance on all major issues--when that country chooses weapons and decides deployments, conducts the arms-control negotiations, sets the tone for East-West diplomacy and creates the framework for relations with the Third World--little incentive remains for a serious European effort to redefine the requirements of security or to coordinate foreign policies. Such joint efforts entail sacrifices and carry political costs. Leaders are not likely to make the sacrifice or incur the cost unless they feel responsible for the results.

An imbalance such as the one now existing cannot be corrected by "consultation," however meticulous. In the long run, consultation works only when those being consulted have a capacity for independent action. Then each side takes the other seriously; then each side knows that the other's consent has to be won. Otherwise consultation becomes "briefing." Agreement reflects not conviction but acquiescence for want of an alternative.

Moreover, military dependence on another nation has a cumulative impact. When dependence no longer results from wartime destruction but from a policy choice, made under conditions of relative prosperity, it can breed guilt, self-hatred and a compulsion to display independence of the senior partner wherever doing so is safe, especially with regard to some Third World issues, the Middle East and certain aspects of East-West relations.

For all these reasons the United States has a positive interest in encouraging the evolution of a more autonomous European voice in security matters. During the entire postwar period it has been an axiom of American policy that for all the temporary irritation it might cause us, a strong, United Europe was an essential component of the Atlantic partnership. We have applied that principle, insofar as it depended on American actions, in all areas except security. With respect to defense, the US has been indifferent at best--at least since the failure of the European Defense Community in 1954--to any sort of Europeanization. Many seem to fear that a militarily unified Europe might give less emphasis to transatlantic relations and thus weaken the common security.

The opposite is almost certainly the case. In the economic field, integration was bound to lead to transatlantic competition, even to some discrimination. What defines a Common Market, after all, is that its external barriers are higher than its internal ones. In the field of defense, by contrast, increased European responsibility and unity would almost certainly promote closer cooperation with the US. A Europe analyzing its security needs in a responsible manner would be bound to find association with the US essential. Unity in defense matters would also enable the Federal Republic to escape the fear of isolation and enable the Atlanticists to resist nationalist tendencies.

Greater unity in defense would also help to overcome the logistical nightmare caused by the attempt of every European nation to stretch already inadequate defense efforts across the whole panoply of weapons. For example, there are at least five kinds of battle tanks within NATO, different types of artillery and different standards for calculating the rate of consuming ammunition. In a major conflict, it would be a herculean task to keep this hodgepodge of forces supplied.

Thus the paradox: the vitality of the Atlantic Alliance requires Europe to develop greater identity and coherence in the field of defense. I am not talking about traditional "burden sharing", paying more for the existing effort. I have in mind something more structural--a more rational balance of responsibilities. The present allocation of responsibilities fails to bring the allies to reflect naturally about either security or political objectives. Everyone has been afraid to take the initiative in changing the present arrangement, lest doing so unravel the whole enterprise or antagonize the United States. There is no foreseeable East-West conflict in which Europe will not be better off with American support. This is why, if the British and French can agree on coordinating their nuclear forces, the United States should encourage it as an important first step toward a greater European role in the joint nuclear defense. Above all the United States should make clear that European union on defense matters will be viewed as strengthening not weakening Atlantic ties.

East-West Relations.

Too many in the West seek to escape their dilemmas by taking refuge in the personality of Gorbachev. Without entering into the debate as to the long range purposes of the Soviet leader, the democracies cannot make themselves dependent on a single personality, especially as every Soviet leader except Lenin has been disavowed by his successor.

Gorbachev's personality is no doubt striking. But is it wise to treat his person as the deus ex machina to solve all the West's dilemmas--a communist leader who will bring peace and tranquility without any real effort on the part of the free countries? Do these attitudes do justice to the actual choices facing the Soviet leadership? It is easy to forget that Gorbachev has emerged at the top of what must be the toughest competition in the world--one in which losers are rarely heard from again. He has never wavered from basic communist doctrine. And how could he, never having held any position other than as a member of the communist hierarchy?

Reality no doubt imposes at least a respite on Soviet foreign adventurism, perhaps even an end to it no matter who governs in Moscow. But Gorbachev, as any prudent leader, is unlikely to court unnecessary domestic problems. He will not volunteer changes in political and strategic arrangements that powerful factions within his bureaucracy would find unpalatable. Obviously, he will push those programs most advantageous to his own country.

More fundamental issues must be addressed. What exactly is it that the West wants the Soviet Union to stop doing? What is the American and Western notion of cooperative conduct? In the contemporary situation is glasnost or human rights progress enough, or are other changes necessary? Can four centuries of Russian expansionism be due to personalities, or do they reflect more permanent geopolitical and strategic elements? The absence of criteria causes domestic disputes to fester. The reluctance to endow peaceful coexistence with political content produces an overemphasis on numerical nostrums and threatens to open up a gap between strategy and arms-control policy in which each checkmates the other.

I do not know how Gorbachev would react if presented with a comprehensive program that would reduce nuclear and conventional weapons simultaneously. Or how he would respond to a serious attempt to discuss the US-Soviet role in the world a decade or so ahead of us. I am convinced that he has the intelligence and imagination to make a significant and constructive response. And if he refused, we would at least understand the nature of the challenge better than we do now.

Conflicts Outside the NATO Area.

The North Atlantic Treaty Organization was a response to the fear of Soviet aggression against Europe. At that time, 40 years ago, the United States had a huge nuclear superiority and was dominant economically, while Europe was only beginning its recovery from the war. Conflicts outside Europe were produced by the process of decolonization; the Soviet role in them was relatively minor. The United States, reluctant to be involved in colonial wars, insisted that the obligations of the Atlantic Treaty did not extend outside of Europe.

Since then, conditions have changed dramatically. Europe has recovered its economic dynamism and is moving, although fitfully, toward political unity. The fear of Soviet invasion has diminished. American nuclear superiority has been replaced by rough parity with the Soviet Union, and European allies increasingly question the credibility of the nuclear deterrent.

But on the issue of relationships towards third area conflicts the early problem remains almost unchanged, although the two sides of the Atlantic have exchanged their roles. Now it is Europe that insists that the treaty's obligations do not extend to the developing world. And it is Europe that feels free to dissociate itself from US actions where indigenous upheavals and Soviet efforts to outflank the alliance produce contemporary crises.

That process of dissociation has been accelerating for at least 15 years. During the 1973 Israel-Arab War, Britain and West Germany refused to grant the US permission to use American bases for reconnaissance--or blocked American arms shipments to the Middle East from their territories. Allied governments almost unanimously opposed American policy toward Iran during the hostage crisis, on Central America and Grenada. To be sure, cooperation in the Persian Gulf has been much better. But as Europe develops its own autonomy explicit arrangements for third area conflicts and tolerable dissociation become more important. The Alliance will be weakened if interests considered vital by one partner are consistently neglected by the other.

Conclusion

This is a vast agenda. And it cannot possibly be accomplished except in a bipartisan setting. The national security interest of the United States does not change every four or eight years. That possibility makes us a factor of instability. Weapons decisions, arms control strategy and serious diplomacy have a lead time longer than the term of office of a single Presidency. There will always be disagreements over tactics; but the fundamental issues must be settled. It should be the highest priority of a new Administration and of both sides of the Congress.

Chairman NUNN. Thank you very much, Dr. Kissinger. We will rotate around with our 6-minute rule. I will lead off.

Dr. Kissinger, you say on page 3 of your statement that—I believe it is the second paragraph. You say: "The situation is made more complex because in nearly every NATO country the consensus on defense and foreign policy has broken down."

Could you elaborate on that, and tell us what you mean by that?

Dr. KISSINGER. Well, I think—well, let us begin with our country. I believe that we lack right now a clearcut national consensus, of what our defense policy is supposed to accomplish.

But we are better off than, say, the Federal Republic or Great Britain, where were the opposition party to come into office, the most drastic changes in defense policy would follow: In the British case, the abandonment of the nuclear deterrent; in the German case, the adoption of the zero option and various other devices that would run counter to what has heretofore been established NATO doctrine.

In France this is not the case. There seems to be amazing consensus on defense policy. But France is not fully integrated into NATO. So perhaps the sentence was overstated.

But as we saw when the deployment decision had to be made with respect to INF, there are in many European countries significant neutralists and even pacifists current.

Chairman NUNN. One of the points you emphasize, which I strongly agree with, is that the United States should be in a position of encouraging more European cooperation and initiative in the overall NATO effort, both contributions and policymaking.

How do you view the French-German brigade in that respect and the new council they have created?

Dr. KISSINGER. I view it very favorably. I believe that one of the results of the INF negotiations and of Reykjavik and other events that have happened in the last few years has been that the pro-Western element in the Federal Republic has been cut adrift to some extent. And if one wants to keep them from pursuing substantially nationalistic goals, they must find some home in a relationship beyond Germany's borders.

And I think it is an act of statesmanship on the part of both Chancellor Kohl and the French leadership to have created these organizations.

Now, I know there is some concern in Britain, for example, that this might lead to the alienation of the United States. I think it is up to us to make clear that we view it favorably, that we consider a greater European role in European defense as consistent with the Atlantic alliance.

In the defense field, I cannot conceive any attack from the East on Europe in which Europe would not be better off with American assistance than without it. And so I would have enough confidence that the Europeans would see that the same way.

Chairman **Nunn**. In light of your feeling about the breakdown of consensus and also your feeling, which is well stated here, about NATO not really having a broad strategy that encompasses both security and arms control, and arms control has become sort of the end in itself rather than the means to a broader end—you suggest that we do not really know where we are going.

And I detect from your statement that you feel that we do not really have a comprehensive proposal to put on the table before Gorbachev that involves both conventional and nuclear issues and also the broader issues, and so we in the West have not formulated our own position.

In light of all of that, if I have correctly come close to paraphrasing your views, do you believe we need a new Commission of some kind, like the Harmel Commission in the late sixties? Do you believe this should be the subject at the summit conference, with the direct leaders taking the initiative here?

Dr. **Kissinger**. Mr. Chairman, I have not given any concrete thought to how to resolve the problem, but I would certainly favor if one could get a non-partisan Commission like the Harmel Commission to address these issues. Any device that could state the strategy in a coherent manner that then the governments could adopt I would consider highly desirable.

I do not think the existing NATO machinery will generate it by itself, because they have too many current tactical problems to address.

Chairman **Nunn**. It is also awfully hard for even summit leaders to develop consensus in countries like Britain and Germany, where you noted the opposition party is in almost diametric opposition to some of the fundamentals. They are talking some about a Harmel Commission in France. I have heard several of them mention that that might be an approach.

Dr. **Kissinger**. I had not heard it, but I think it is an excellent idea.

Chairman **Nunn**. I think they are reflecting in France about the same view you reflected here, that there has been sort of a breakdown of consensus.

Senator Warner and I were over there a week ago, and I was amazed that, particularly in some of the younger leaders, they seemingly are, perhaps because of INF but probably because of Reykjavik, INF and the talk about immorality of deterrence and all of those things, including eliminating all nuclear weapons—probably a combination as I read it, not just INF——

Dr. **Kissinger**. No, no, it is a combination of all these factors.

Chairman **Nunn**. They are really doing some soul-searching in France now, I think.

Dr. **Kissinger**. I think Reykjavik was a serious shock to many Europeans.

Chairman **Nunn**. And also, as you note, the talk about going to zero nuclear weapons. The Europeans have to ask, what is America's policy, where are we going.

Senator Warner, my time has expired and you are next.

Senator **Warner**. Dr. Kissinger, I will just pick up on my chairman's reference to the trip that Senators Byrd, Pell, Boren, Nunn, and myself took. Almost without exception, every leader of the five nations that we visited—and you are familiar with the trip—foreign ministers and defense ministers were quite supportive of the INF Treaty and the timing.

I certainly listened attentively and talked to a number of persons outside of those that we met with directly. If there is a credible collection of viewpoints contrary to the INF Treaty, I did not perceive it to exist.

Do you find that there is?

Dr. KISSINGER. I think one has to do this country by country. I think the nuclear-armed countries of NATO were so shaken by Reykjavik, where they thought we were giving away their nuclear weapons, that they decided that, since this administration was not likely to leave office without giving away some nuclear weapons, it was better for them if we gave away ours rather than theirs.

This is particularly true of the British, who were worried about the Trident program and whose understanding of the internal German trends is not as highly developed as that in France.

In France there is also the sense that a Germany completely dependent in the nuclear field on France might have certain benefits for the French political influence. I think, incidentally, that latter is a short-sighted view and it is not likely to stand the test of time.

Within the Federal Republic, the problem is that the people who have been most disillusioned are also the ones with the longest tradition of pro-American feelings, and therefore for them to go public now and indicate reservations which they know to be futile would mortgage their political position even more than they feel that it has been jeopardized.

So I think this is not an issue on which simply asking people gives you a good count. I am quite convinced that at the beginning of this process, if European leaders had been given another choice, say 50 percent reduction at first and another 50 percent in the case of conventional disarmament, I believe it would have been received in a much more positive way.

But this is all water over the dam now and within the present context no European leader will want to risk his political position by attacking a fait accompli.

Senator WARNER. Well, we are now negotiating a START agreement. Do you think there is adequate consultation and consideration being given to allied views as we work on the START agreement?

Dr. KISSINGER. Well, the START agreement, strangely enough, has less of an impact, because the Europeans did not stake their own political position on the deployment of the weapons that are now being negotiated.

Now again, one has to ask oneself, what kind of political consultation? I believe there has been adequate political consultation in the sense of keeping the Europeans meticulously informed of the details of the negotiations. I do not believe there has been adequate consultation on the grand strategy that emerges from all of these agreements, not because we have kept it from them but because we have not developed it for ourselves.

We do not know ourselves where the current process leads us. On the one hand, INF shifts the nuclear defense of Europe to weapons based in the United States or at sea, and at the same time we are cutting these weapons by 50 percent and shifting the ratios with respect to land-based weapons to an even more unfavorable direction to the United States. The practical result will be, as soon as people start doing the figures, to raise even more doubts about the American willingness to initiate general nuclear war in the defense of Europe.

So what our nuclear strategy will be after we have made all of these agreements is something that we absolutely have to face, for ourselves and within the alliance.

And in this sense, there has not been adequate consultation because there has not been an adequate thinking through. Take an issue which I am sure those of you who deal with NATO know very well. There are four submarines technically assigned to NATO. I do not attach any importance to that because it is sort of a theological point what "assignment" means.

But it seems to me obvious that when we are down to 17 submarines, which we will be after the START agreement, that we will not be able to maintain that particular commitment. Now, has that been explained to the Europeans? Have we explained alternative ways by which we will meet our commitment and, above all, what exactly is going to be the strategy of nuclear war after a START agreement?

This is something we need to think through.

Senator WARNER. The application of the doctrine of flexible response is what you are speaking to?

Dr. KISSINGER. Correct.

Senator WARNER. In the event it is the judgment of the President and others—and hopefully the allies would be a part of that formation of the judgment—that we cannot reach a START agreement at this coming summit or within the foreseeable balance of this President's term, what procedures would you recommend to hold in place the work, the valuable work that has been done on START, should it go on to the next administration?

Dr. KISSINGER. I must tell you, I am not familiar with the details of the negotiation. I have the greatest difficulty visualizing how they can possibly work out the verification procedures for a START agreement when I look at the difficulties we have had with the INF verification procedures, which deal with only one category of weapon and at zero level.

But they can do a Vladivostok type agreement, in which they state, as they more or less did after the Washington summit, where they stand in the negotiations, and hand that on to their successors.

I am frankly uneasy about a forced draft push toward START without thinking through the strategic implications of some of the questions with respect to which I have raised.

Senator WARNER. In particular, the verification aspect of the START?

Dr. KISSINGER. The verification aspect and what exactly is——

Senator WARNER. You are not suggesting it is unachievable?

Dr. KISSINGER. No, I think it is achievable, but I think that arms control theory was developed in the late fifties and it has now become almost a numbers game.

For example, after the Soviet heavy missiles are cut by 50 percent and our land-based missiles are cut by whatever percentage we decide to cut them, on any foreseeable projection the ratio of Soviet warheads to our land-based missiles that is available will be greater after the 50 percent cut than before the 50 percent cut.

And so I ask the question, what exactly are we trying to achieve? Are we simply trying to cut 50 percent or are we trying to improve the situation?

And I would like to see an agreement where we can say the situation has been improved: one, with respect to war-fighting stability; second, with respect to the population. That is my concern.

The question is what is it we should try to achieve?

Senator **Warner**. Thank you, Dr. Kissinger. My time has expired.

Chairman **Nunn**. Thank you, Senator Warner.

I believe, Senator Shelby, you are next under the early bird rule.

Senator **Shelby**. Thank you, Mr. Chairman.

Dr. Kissinger, Senator Nunn was talking about, as I picked up, a lack of a coherent strategy or a grand strategy. Maybe "grand strategy" was your word. Why have we not linked our various negotiations on arms control—conventional, short-range, strategic. and so forth—in some sense, if we have a grand strategy?

Dr. **Kissinger**. Partly because it is an intellectually very difficult problem and partly because—you take conventional arms control. I have written some articles with greater or lesser eloquence on that subject. But the fact of the matter is I have not actually thought through what I mean by "conventional arms control."

And I have started going around various research institutions to see what work they have done, to get my own thought processes started. And most of the work that has been done on arms control is in the nuclear field. And then there is the bureaucratic problem that it is so difficult to evolve a position within our Government that in fact it has never happened.

But we have used up our fat with respect to this, and I think in the future they ought to be linked together.

Senator **Shelby**. Dr. Kissinger, is conventional arms control in any sense a numbers game? You know, you alluded to the numbers game as far as reducing so many strategic weapons or so many intermediate range weapons. But is conventional weapons something else?

Dr. **Kissinger**. Well, conventional arms control has of course a number of major problems. One is that no amount of arms control can eliminate the fact that the Soviets have interior lines of communication and therefore can reinforce in Europe or almost anywhere along their frontiers faster than the defenders can.

Second, verification of conventional arms control is far more difficult than nuclear arms control. In the 1920's, Germany was open for full inspection. Its army was limited to 100,000 men. It was not permitted to have heavy weapons. And yet, they managed to work around that agreement to a point where 2 years after they broke it and started rearmament they were already one of the most substantial armies in Europe, and 4 years afterwards they were the most substantial army in Europe.

Third, there are a number of really extraordinarily difficult problems to which I do not pretend to have the answer. For example, do we want the Soviets to withdraw whatever is being withdrawn to beyond the Urals, to the western military district, or do we want them to destroy it? And if we want them to destroy it, where? How do we know it is being destroyed.

Fourth, any disarmament—any arms control that applies in the conventional field to Europeans, since they have no place to withdraw, given the short distances, they will have to demolish them. They will have to destroy the weapons that are being reduced.

So I have a whole set of intellectual problems, on which I do not pretend I have the answers, but which need to be solved and need to be solved fairly urgently. Then I have seen a RAND Corp. study which some of you gentlemen may be familiar with which argues that, unless the reductions in Europe are 5 to 1 they actually make the situation worse.

Now, to the public that does not sound like a super-plausible presentation. And then when you say 5 to 1, 5 to 1 of what?

I think the RAND people come to the conclusion that the only thing that we really can have a chance of verifying is tanks and heavy artillery, and that most of the other weapons would elude verification.

I have not done any independent study on this, so I am quoting it, not endorsing it.

Senator **Shelby**. Doctor, if you had had your druthers, and I know we have an accomplished fact, or what looks like it is beginning to be on INF, would you have started at another starting point rather than INF negotiations?

Dr. **Kissinger**. You never know what you would have done if you had been there. I opposed the zero option proposal from the minute it was put forward. I would have preferred to have any other number than zero, say, a 50-percent reduction symmetrically at first, and then have the remainder on the basis of a very significant conventional reduction of the Soviets.

We have absolutely no idea how the Soviets view conventional arms control. They talk about asymmetrical reductions, and that sounds impressive. When they were here I asked two members of their party what they meant by asymmetrical reductions, and they said to trade Soviet tanks for American strike aircraft.

Well, if we trade strike aircraft on top of the INF deployment, that in effect makes it impossible to mount any retaliation from Europe. So I would at least like to see what they have in mind before we get ourselves into a box from which the initiation of a nuclear defense becomes illogical.

Senator **Shelby**. You have to draw some goals there before you start into real negotiations, had you not?

Dr. **Kissinger**. Yes.

Senator **Warner**. Mr. Chairman, prior to the first vote, the Chair announced it might be in the interest of all members if all members left at one time and then came back, thereby allowing Dr. Kissinger to share his views with everyone present. I would suggest to the Chair we follow that.

Senator **Levin** [presiding]. Senator Shelby, are you through?

Senator SHELBY. If my time is up. If you want to give me 6 more minutes, I will take it.

Senator LEVIN. We are all going to vote at one time because none of us want to miss you, so we will be back in 10 minutes.

[A brief recess was taken.]

Senator LEVIN. The committee will come to order.

Thank you, Dr. Kissinger, for your understanding. You are an old pro, and you know the problems we have.

Going back to the Republican side, Senator McCain would be next, followed by Senator Glenn.

Senator MCCAIN. May I proceed, Mr. Chairman?

Senator LEVIN. Yes.

Senator MCCAIN. Thank you, Mr. Chairman. Before I go on, I would like to submit my statement for the record.

[The prepared statement of Senator McCain follows:]

PREPARED STATEMENT OF SENATOR JOHN McCAIN

We cannot rely on rhetoric about conventional force improvements, low cost or cost free improvements, or revisions in how we assess the NATO-Warsaw Pact balance to deal with the military risks that will still exist if we abolish our INF forces. The most critical problem NATO faces is not to agree on new force requirements, but rather to correct the past mortgages in terms of problems in total strength, readiness, deployment, sustaining capability, and equipment modernization that have built up over a period of decades.

To be blunt, I do not believe that either the American public or the voters of any European nation are willing to pay to correct these mortgages, much less make more force improvements than they are already making. I think the best that can happen to what is now an unacceptable conventional balance is to fund a few effective force improvements in conventional forces which can be made at something very close to existing resource levels, or in spite of a limited decline in total national defense spending.

As long as one ignores the current trends in the balance, it is possible to point to many individual areas where various efforts to correct NATO's inferiority in conventional forces have produced some important force improvements in the past. I have asked my staff, however, to look at what some of the overall trends in force strength have been since 1965, and the results are anything but reassuring.

If we look at the equipment actually in the unit equipment of the key active combat units and reserve forces in the Central Region -- the NATO forces in Belgium, the FRG, Luxembourg, and the Netherlands and the Warsaw Pact forces in Czechoslovakia, the GDR, and Poland -- work by Phillip Karber of Braddock, Dunn, and McDonald reveals the following trends:

- In 1967, NATO and the Warsaw Pact had near parity in active army manpower. Both sides had approximately 800,000 men. In 1987, NATO still had about 780,000 men, but the Warsaw Pact had nearly one million.

- In 1967, NATO had about 5,500 medium tanks and the Warsaw Pact had about 12,500. In 1977, NATO had about 5,600 medium tanks and the Warsaw Pact had about 16,000. In 1987, NATO had about 6,500 tanks, but the Warsaw Pact had 16,900. The Warsaw Pact has not only increased its lead in tank strength, the USSR has converted most of its older tanks to the use of laser ranger finders, and many to the use of active armor. Given the Israeli experience with similarly upgraded Soviet T-62 tanks and the U.S. M-60 series, this gives at least Soviet forces something close to qualitative parity with the average tank deployed in NATO.

- The Warsaw Pact has acquired a massive advantage in infantry fighting vehicles. In 1967, NATO had about 11,500 armored personnel carriers and infantry fighting vehicles, and the Warsaw Pact had about 13,200. In 1977, NATO had about 12,000 armored personnel carriers and infantry fighting vehicles and the Warsaw Pact had about 19,000. In 1987, NATO had about 14,000 armored personnel carriers and infantry fighting vehicles, but the Warsaw Pact had 22,000. It is important to note that the Warsaw Pact has recently produced heavily armed infantry fighting vehicles more than nine times faster than NATO

- The Warsaw Pact advantage in anti-tank guns has increased steadily. In 1967, NATO had about 1,850 anti-tank guns, and the Warsaw Pact had about 1,450. In 1977, NATO had about 700 anti-tank guns and the Warsaw Pact had about 1,800. In 1987, NATO had about 300 anti-tank guns, but the Warsaw Pact had 1,500.

- NATO has lost any meaningful hope of making anti-tank guided missiles into a force multiplier. In 1967, NATO had about 1,100 anti-tank guided missiles, and the Warsaw Pact had about 750. In 1977, NATO had about 3,000 anti-tank guided missiles and the Warsaw Pact had about 4,500. In 1987, NATO had about 7,500 anti-tank guided missiles, but the Warsaw Pact had 11,000.

- The Warsaw Pact has massively increased its advantage in regular tube artillery, while converted to modern self-propelled weapons which are generally superior in range and tube life to the weapons in NATO forces. In 1967, NATO had about 1,800 major artillery weapons, and the Warsaw Pact had about 2,400. In 1977, NATO had about 2,200 major artillery weapons and the Warsaw Pact had about 4,800. In 1987, NATO had about 2,100 major artillery weapons, but the Warsaw Pact had 6,800.

- NATO's efforts to deploy multiple rocket launchers have been more than offset by increases in Warsaw Pact numbers, and the Warsaw Pact has also rapidly modernized its holdings. In 1967, NATO had no multiple rocket launchers, and the Warsaw Pact had about 700. In 1977, NATO had about 140 multiple rocket launchers and the Warsaw Pact had about 900. In 1987, NATO had about 200 multiple rocket launchers, but the Warsaw Pact had 1,100.

- NATO has shifted from superiority to inferiority in short range artillery firepower. In 1967, NATO had 2,000 medium and heavy mortars, and the Warsaw Pact had about 1,800. In 1977, NATO only had about 1,800 medium and heavy mortars and the Warsaw Pact had about 2,000. In 1987, NATO still had 1,800 medium and heavy mortars, but the Warsaw Pact had 2,800.

- NATO has cut its air strength at a time the Warsaw Pact has rapidly begun to catch up in deployed combat aircraft technology, and has caught up in overall mission-relevant range-payload capability. In 1967, NATO had 1,800 combat aircraft, and the Warsaw Pact had about 2,900. In 1977, NATO had dropped to about 1,500 combat aircraft and the Warsaw Pact had dropped slightly to about 2,800. In 1987, NATO only had about 1,400 combat aircraft, but the Warsaw Pact still had 2,800.

- NATO has lost any hope of using attack helicopters as a force multiplier. In 1967, NATO had 50 attack helicopters, and the Warsaw Pact had none. In 1977, NATO had about 400 attack helicopters and the Warsaw Pact had about 240. In 1987, NATO had about 550 attack helicopters, but the Warsaw Pact had 800.
- In 1967, NATO had 700 air defense guns, and the Warsaw Pact had about 3,800. In 1977, NATO had about 1,200 air defense guns and the Warsaw Pact had about 3,200. In 1987, NATO had about 2,200 air defense guns, and the Warsaw Pact had 3,200.
- The previous trends in air defense guns might seem reassuring, but the reality is very different when one considers surface-to-air missiles. In 1967, NATO had 1,100 medium to heavy surface-to-air missile launchers, and the Warsaw Pact only had about 600. In 1977, NATO had about 1,200 medium to heavy surface-to-air missile launchers, but the Warsaw Pact had taken the lead and had about 1,600. In 1987, NATO had about 1,350 medium to heavy surface-to-air missile launchers, but the Warsaw Pact had 2,100.
- If one looks at total crew served weapons, it is clear that the Warsaw Pact has taken a massive new lead, while it has also caught up in many areas of quality. In 1967, NATO had 27,400 crew served weapons, and the Warsaw Pact had about 39,900. In 1977, NATO had about 29,740 crew served weapons and the Warsaw Pact had about 56,640. In 1987, NATO had about 36,100 crew served weapons, and the Warsaw Pact had 71,000 -- nearly twice as many.
- If one looks at the shifts in total crew served weapons weight by an effectiveness score and combined into armored division equivalents, it is clear that the Warsaw Pact has still taken a massive new lead when weapons quality is fully taken into account. In 1967, NATO had a ratio of 1 armored division equivalent to 1.5 for the Warsaw Pact. In 1977, NATO had a ratio of 1 armored division equivalent to 1.8 for the Warsaw Pact. In 1987, NATO had a ratio of 1 armored division equivalent to 2.2 for the Warsaw Pact.

These trends are summarized in statistical and graphic terms in the first three of the attached tables. I agree that the resulting Warsaw Pact superiority is not great enough to offer the Warsaw Pact the kind of confidence it would need to attack NATO. Nevertheless, the balance has clearly shifted against NATO in spite of decades of rhetoric about "flexible response," and it will clearly continue to do so unless we face up to the fact that this

Committee will have to ask for a major supplement to the FY1989 budget and the current Five Year Defense Plan (FYDP).

To make this point even more clearly, virtually all of the experts we have heard to date have agreed that the Warsaw Pact is catching up in most areas of deployed conventional technology, and has caught up or surpassed the average level of deployed tactical technology in NATO in a number of key areas. Let's consider what this really means given the trends in total military production of NATO and the Warsaw Pact during 1984-1986.

I am providing these trends in equipment production and modernization in the last three attached tables, as a member of my staff has compiled them from recent reporting by the Department of Defense. These tables have been informally reviewed by the Department of Defense, and show that NATO only produced about 40% of the tanks of the Warsaw Pact, 55% of the other armored fighting vehicles (OAFVs), 20% of the towed artillery, 19% of the self-propelled artillery, and 24% of the AA artillery. NATO also lagged behind in combat aircraft, although far less significantly. The only areas where NATO led were in transport aircraft and naval construction.

I ask the members of this committee to consider these sets of trends in depth before we include any rhetoric about conventional options in our report on the INF Treaty, and ignore the vital importance of improving our remaining theater and strategic nuclear weapons and of encouraging the British and French to do everything possible to modernize their forces.

Either we are going to seek a supplement to the current budget and the FDYP on a bipartisan basis, or all the words about improved conventional option will simply mislead the American people. Either our major allies will follow our example, and indeed do far more, or all the improvements made will be cosmetic and the talk about conventional capability will be empty rhetoric.

If this Committee is not prepared to being work on February 18th to revise and expand the conventional programs in our FY1989 defense budget, and is not prepared during the course of the year to propose specific force improvements to our allies -- rather than indulge in another mindless exercise in ally-bashing under the name of "burden sharing", then let's be honest. Anything we say about conventional options will be meaningless, or depend on the sudden willingness of the Warsaw Pact to rush into unilateral disarmament.

Further, I do not really believe that any member of this committee really believes we can or will fund enough additional money for conventional. options to reduce our dependence on the need to modernize our remaining theater nuclear and our strategic nuclear systems in ways that will provide us with an effective capability for graduated response, and ensure that our nuclear forces are coupled to those of Britain and France. I think it is already clear that our Committee report must endorse such modernization in the strongest possible terms.

Thank you Mr. Chairman.

THE IMBALANCE IN THE CENTRAL REGION:

TRENDS IN NATO AND WARSAW PACT FORCES IN THE NATO GUIDELINES AREA [1]

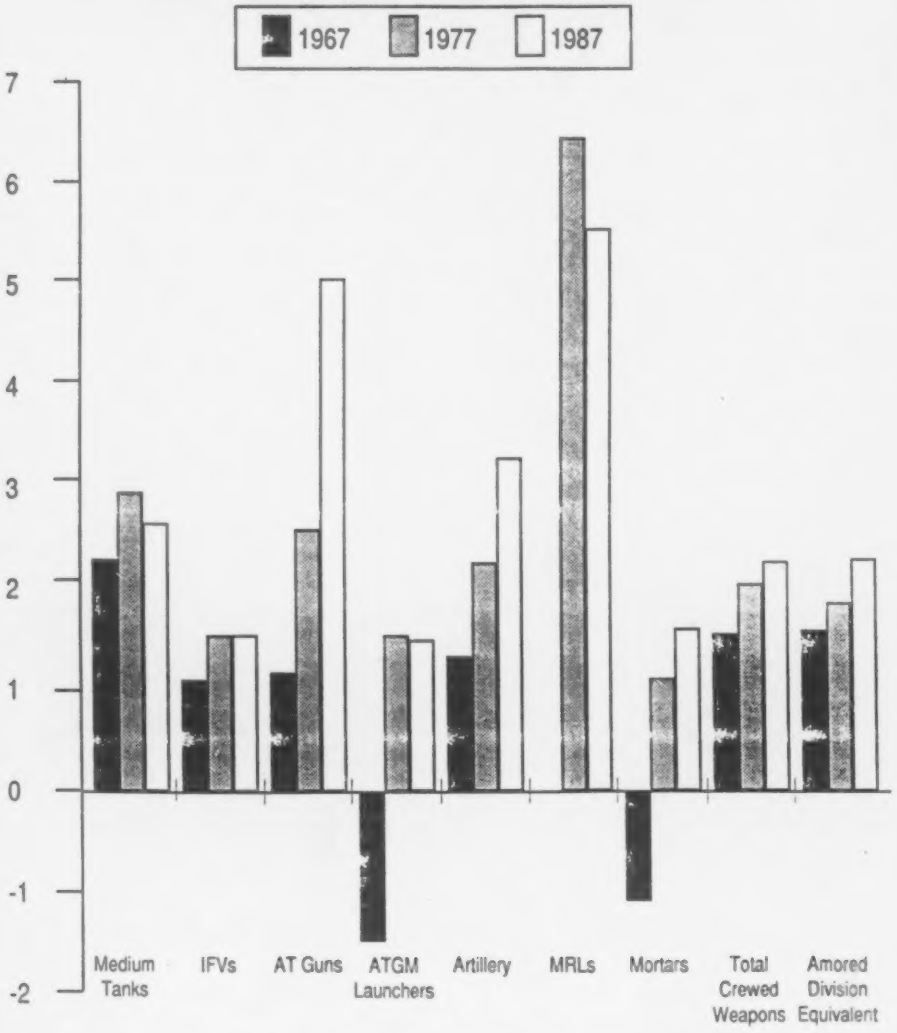
Category	1967			1977			1987		
	NATO	Warsaw Pact	Ratio	NATO	Warsaw Pact	Ratio	NATO	Warsaw Pact	Ratio
Main Battle Tanks	5,500	12,500	2.27	5,600	16,000	2.86	6,500	16,900	2.6
Infantry Fighting Vehicles	11,500	13,200	1.15	12,000	19,000	1.58	14,000	22,000	1.57
Anti-Tank Guns (90 mm+)	1,850	1,450	1.28	700	1,800	2.57	300	1,500	5.0
ATGM Launchers	1,100	750	0.68	3,000	4,500	1.5	7,500	11,000	1.47
Artillery (100 mm+)	1,800	2,400	1.33	2,200	4,800	2.18	2,100	6,800	3.24
Multiple Rocket Launchers	0	700	(700:0)	140	900	6.43	200	1,100	5.5
Total Mortars[2]	2,000	1,800	0.9	1,800	2,000	1.11	1,800	2,800	1.56
Combat Aircraft[3]	1,800	2,900	1.61	1,500	2,800	1.87	1,400	2,800	1.56
Attack Helicopters	50	0	(0:50)	400	240	1.67	550	800	1.45
Air Defense Guns	700	3,800	5.43	1,200	3,200	2.67	2,200	3,200	1.45
Medium/Heavy Surface to Air Missile Launchers	1,100	600	0.55	1,200	1,600	1.33	1,350	2,100	1.56
Total Crew Served Weapons	27,400	39,900	1.46	29,740	56,640	1.9	36,100	71,000	1.97
Armored Division Equivalents[4]			1:1.5			1:1.8			1:2.2

Source: Phillip A. Karber, BDM

Ratio is Warsaw Pact total divided by NATO total, and is ratio of Warsaw Pact superiority to NATO. All numbers used the standard MBFR counting rules used for the last decade, and only include the equipment in active forces and formations. Stored, war reserve, and inoperable equipment are not included.

1. Includes all NATO Forces in Belgium, FRG, Netherlands, and Luxembourg, and all Warsaw Pact forces in Czechoslovakia, GDR, and Poland.
2. All mortars, including 60 mm and other light weapons.
3. Includes Other Combat Unit (OCU) and all other combat aircraft.
4. Weighted total score based on weapons numbers and their lethality, protection, and mobility using WEI/WUV values. Counts only infantry weapons in infantry squads.

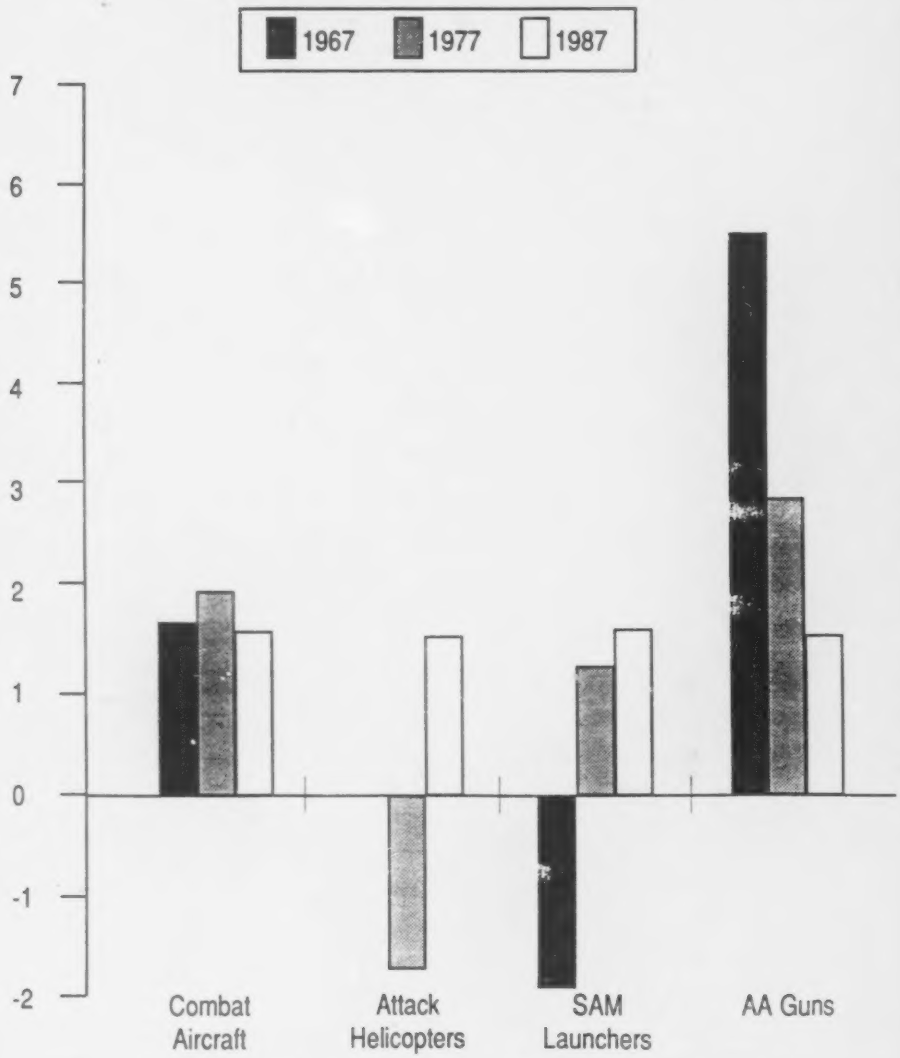
Changes in the Ratio of Warsaw Pact Superiority to NATO in Number of Land Forces Weapons Systems in the NATO Guidelines Area During 1967, 1977, 1987.*



* Uses standard MBFR counting rules. Includes only equipment in the TOE of active and reserve forces.

Chart – Senate Republican Conference

Changes in the Ratio of Warsaw Pact Superiority to NATO in Weapons Numbers in theNATO Guidelines Area During 1967, 1977, 1987.*



* Uses standard MBFR counting rules. Includes only equipment in the TOE of active and reserve forces.

Chart – Senate Republican Conference

RECENT TRENDS IN NATO VERSUS WARSAW PACT COMBAT EQUIPMENT PRODUCTION

Category	1984-1986 Total Production		1984-1986 Average Annual Production		NATO as a % of
	NATO	Warsaw Pact	NATO	Warsaw Pact	Warsaw Pact
LAND WEAPONS					
Tanks	4,400	11,050	1,467	3,863	40%
OAFVs	7,600	13,900	2,533	4,633	55%
Towed Field Artillery	1,225	5,800	408	1,933	21%
SP Artillery	775	4,150	258	1,383	19%
MRLs	650	2,375	217	792	27%
SP AA Artillery	75	310	25	103	24%
Towed AA Artillery	25	650	8.3	217	4%
NAVAL WEAPONS					
Submarines	27	25	9	8.3	108%
Major Surface Combatants	46	26	15.3	8.6	177%
Minor Combatants	89	150	30	50	59%
Auxiliaries	21	16	7	5.3	131%
AIR FORCE WEAPONS					
Bombers	27	150	9	50	18%
Fighters	1,650	2,100	550	700	79%
Transports	850	700	28	23	121%
ASW Aircraft	20	15	6.7	5	121%
Military Helicopters	1,595	1,700	532	567	94%
NUCLEAR WEAPONS					
ICBMS	10	300	3.3	100	3.3%
LRINF Missiles	380	275	127	92	138%
SRBMs	0	1,350	0	450	NA
SLBMs	170	250	57	83	68%

Source: Adapted from reporting by the Department of Defense, and Soviet Military Power, 1987, p. 122.

LONG TERM TRENDS IN NATO VERSUS WARSAW PACT COMBAT EQUIPMENT PRODUCTION

A. UNITED STATES VERSUS THE USSR

Category	Equipment Production: 1978-1987 U.S.	Equipment Production: 1978-1987 Soviet Union	U.S. as a Percent of USSR	Ratio of Soviet Superiority
Tanks	7,580	24,300	31%	3.2:1
Artillery, MRLS, and Mortars	3,149	27,300	12%	8.7:1
Other Armored Vehicles	10,800	46,000	23%	4.3:1
Tactical Combat and Interceptor Aircraft	3,600	7,700	47%	2.1:1
Fighters	3,453	6,900	50%	2.0:1
Military Helicopters	2,081	4,450	47%	2.1:1
Surface to Air Missiles	17,881	95,000	19%	5.3:1
Major Surface Combatants	87	83	105%	0.95:1
Submarines	41	84	48%	1.8:1
Attack Submarines	33	65	39%	2:1

B. NATO VERSUS THE WARSAW PACT

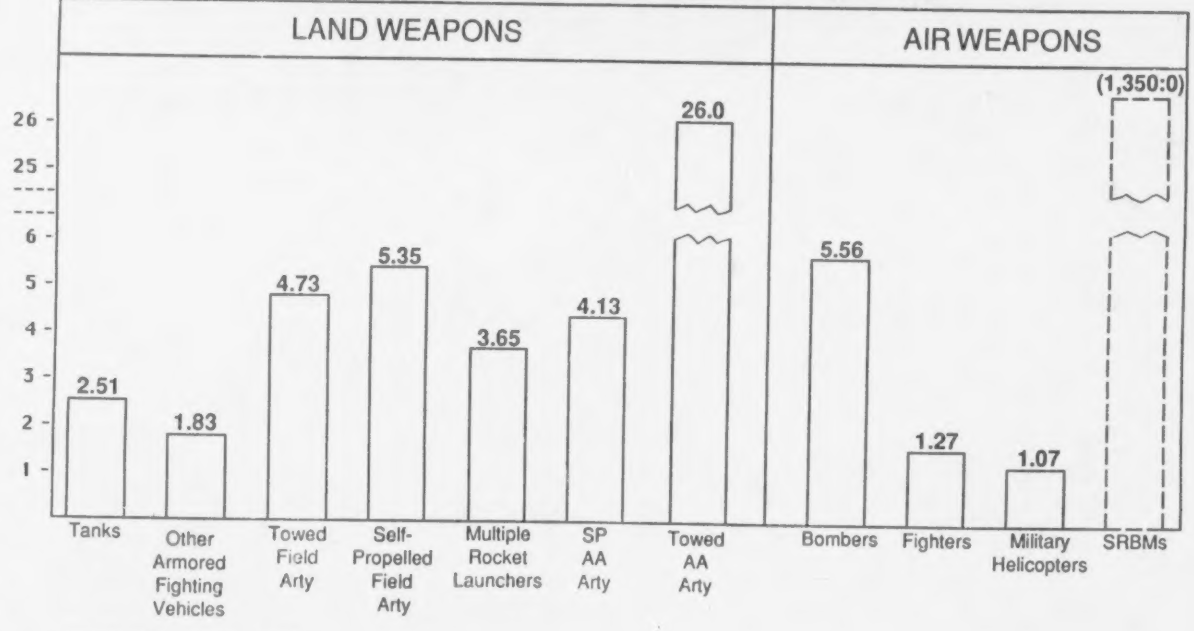
Category	Equipment Production: 1978-1987 NATO.	Equipment Production: 1978-1987 Warsaw Pact	NATO as a Percent of Pact	Ratio of Pact Superiority
Tanks	11,600	30,100	39%	2.6:1
Artillery, MRLs, and Mortars	6,100	33,000	18%	5.4:1
Other Armored Vehicles	20,100	53,600	38%	2.7:1
Tactical Combat and Interceptor Aircraft	6,600	9,000	73%	1.4:1
Major Surface Combatants	108	108	100%	1:1
Attack Submarines	62	67	93%	1.1:1

Source: The Commission on Integrated Long Term Strategy, Discriminate Deterrence, Washington, GPO, January, 1988, p. 28; and Frank Carlucci, Annual Report, FY1989, Washington, GPO, 1987, p. 29.

The Arsenal of Inferiority:

Ratio of Total NATO & Warsaw Pact Military Equipment Production: 1984-1986

(Total Warsaw Pact Production Divided by Total NATO Production)



Production 1984 -1986

	Tanks	Other Armored Fighting Vehicles	Towed Field Arty	Self-Propelled Field Arty	Multiple Rocket Launchers	SP AA Arty	Towed AA Arty	Bombers	Fighters	Military Helicopters	SRBMs
Warsaw Pact	11,050	13,900	5,800	4,150	2,375	310	650	150	2,100	1,700	1,350
NATO	4,400	7,600	1,225	775	650	75	25	27	1,650	1,595	0

Source: Department of Defense and Soviet Military Power, 1987

Senator McCain. Thank you, Dr. Kissinger, for again, your always illuminating and stimulating testimony, as well as response to the inquiries of the members.

I read your testimony with great interest, Doctor, and I have to say I came away to some degree questioning where we go next. You call for a major shift in European attitudes that would respond to the INF Treaty, and I certainly am in total agreement with that, by creating a cohesive strategy and stronger European forces, and I think your eloquent statement sets that out very clearly.

But I wonder if you or I believe that we or Europe will pay for the improved conventional and theater nuclear capabilities that we need. I have analyzed the data on NATO and Warsaw Pact force modernization and U.S. and European military equipment production in great detail, and these data show me, anyway, that NATO fell behind the Warsaw Pact in virtually every measure of conventional force strength during a period when both we and our allies were increasing real defense spending far more quickly than we are today or in the future.

I suspect that you know far better than I do that the constraints on NATO are enforced by money, the size of the Warsaw Pact effort, and the fact that most of the key technologies for any conventional defense initiative will take a decade or so to fully deploy, plus we have acute limits on current military equipment production facilities.

I would like to begin by asking you your opinion as to the trends in the conventional balance, as to whether you feel there is any conceivable chance that NATO will fund a robust conventional defense option over the next 5 years, and if so, what should their priorities be.

Dr. Kissinger. I believe there is some chance, as a result of the impact of recent events, that Europe will make a more coherent if not a larger effort. We have to face the fact that if this effort is not made, and if these inconsistencies in NATO strategy that I have pointed out and that almost all experts agree on are not met, that sooner or later we will have to pay a price for it. This may be deferred, but there are no free lunches in foreign policy. Sooner or later one will have to pay a price for one's omissions. There will be some crisis in which we will come up short.

Now, the first step has to be that the alliance lays out what its requirements ought to be so that at least if it falls short, it knows where it has fallen short, and why, and that it develops some kind of coherent military strategy that the key alliance members agree to.

Senator McCain. And your view of what their priorities should be?

Dr. Kissinger. I believe—well, from where we are—of course, the strengthening of conventional forces is generally agreed on as a desirable objective, though it is never reached.

Now, to meet some of the problems caused by the INF agreement, a European capability for stand-off weapons would, in my view, be highly desirable, and if the British and French were to combine to create a stand-off weapon, the United States should be very sympathetic. You would then ask yourself what is the sense of going through all these exercises in arms control if you find another weapon that replaces the weapon you have taken out.

Still, I would favor a European stand-off weapon. I would favor some cruise capability for some of the dual-purpose aircraft based in Germany. And I would favor some of the modernization proposals that have been made with respect to the nuclear tactical forces in Germany.

But it becomes very difficult if we do these things piecemeal and one at a time.

Senator McCAIN. Thank you, Doctor.

I am sure you are also aware that the fastest growing area in Warsaw Pact forces has been nuclear forces, that to a significant degree will not be reduced as a part of the INF agreement. This includes a rise in theater nuclear strike aircraft that JCS estimates have given them a 3-to-1 advantage in numbers, which has more than doubled their range payload capability and includes a 50-percent increase in short-range nuclear delivery systems since 1980.

Given this background, if you had known we were going to eliminate the Pershing II and GLCM, would you still have supported the reductions in other NATO theater nuclear systems that cut 2,800 warheads from the NATO stockpile?

Dr. KISSINGER. I do not think those 2,800 are relevant to the problems caused by the INF agreement. They were all short range, if I remember correctly.

Senator McCAIN. And you do share a lot of our concerns about Genscherization or the triple zero option?

Dr. KISSINGER. I am very concerned about the trends in the Federal Republic toward the triple zero option which will have as an inevitable corollary a no first use doctrine, and that will then create a distinction between the non-nuclear and the nuclear members of the NATO and between the European members of NATO and the American members of NATO. You cannot ask countries that are not themselves attacked to run risks which the attacked country is not prepared to run for itself, and it will create an increasingly complex psychological situation.

Senator McCAIN. It also appears to me, Doctor, conspicuous by its absence from Chancellor Kohl's statements is any commitments toward modernization of existing short-range nuclear forces.

Dr. KISSINGER. I have known Chancellor Kohl for 30 years, and there is absolutely no doubt that he belongs to the most pro-American wing of the Christian Democratic Party, which in turn has been most consistently supportive of the United States, and we have to ask ourselves what brought him to the point where he is today.

By instinct, he would want to be supportive. It reflects domestic pressures that have been accentuated by recent events.

Senator McCAIN. Thank you very much, Doctor.

Thank you, Mr. Chairman.

Chairman NUNN [presiding]. Thank you, Senator McCain.

I believe next is Senator Glenn.

Senator GLENN. Thank you Mr. Chairman.

There are some benefits to a filibuster in that last night I had a chance to read your statement in its entirety and reread parts of it. So some good comes out of a filibuster, and I thought that your's was one of the more thoughtful statements in this whole process that I had seen.

Dr. **Kissinger**. Thank you.

Senator **Glenn**. I want to compliment you on your statement, and I mean that in all sincerity.

Your position on INF is basically that the treaty has problems, but we would do more damage by not going forward with it now.

Dr. **Kissinger**. Correct.

Senator **Glenn**. On page 7 of your testimony you said that "since its early days, arms control theory has developed a life of its own. It used to be argued that arms negotiations should be an essential complement to broader strategic and foreign policies. Today the tail comes close to wagging the dog. Care must be taken lest esoteric arms control schemes become an end in themselves, thereby eliminating any relationship to defense strategy."

I could not agree with you more. I am nervous about us rushing into a START agreement prematurely. I am concerned that we may be considering that the INF Treaty sets a basis that we now can use in future arms control negotiations, and I doubt that very much. I think that future arms control is going to have to get into more of some of the areas you talk about here, such as verification and conventional balances. At some point along the way, we have to consider bringing other nuclear powers into the equation. We may be a ways from that now.

And also, I do not think we are going to feel very safe, unless we get back to our traditional American emphasis on control of fissile material, which we had for some 40 years.

Now, that leaves us with where we go from here with regard to START. Do you have a series of proposals as guidelines for START that would fit within a strategic framework?

I am looking at the INF Treaty as sort of a given, it is going to go through.

Dr. **Kissinger**. I agree.

Senator **Glenn**. But the important thing now is making sure that as we move on to START, we set a pattern that will work in the future.

Could you set us down some guidelines for START?

Dr. **Kissinger**. Senator, I agree with you on INF. The only reason I keep reiterating it, it is really two-fold, one, to show the Europeans that some people in the United States understand our psychological problem and second, to alert us to the problems that need to be dealt with here, and not to consider INF as the end of a process.

Now, with respect to START, I am extremely uneasy. If you accept the premise that any elimination of nuclear weapons is in itself desirable, a 50-percent reduction is a great thing. Then you can say getting rid of two categories of weapons is good, and then you can say a 50-percent reduction is good.

But if you look at it at the other end and ask yourself in what way is our security situation improved after the 50 percent reduction, if you put these numbers into ratios of warheads and so forth, then I come to the following concerns.

One, even if the Soviet heavy missiles are cut by 50 percent, the ratio of warheads that the Soviets have available to target at our remaining missiles goes from about 3-to-1 to about 4.5- to 4.8-to-1. So I do not see the benefit that we have achieved in strategic stability.

Second, the number of our submarines is cut to 17 or 18 but the number of Soviet antisubmarine forces is not affected because they are not part of the agreement. The number of our airplanes are cut, but the Soviet air defenses are not affected by the agreement. So air defenses are not limited, submarine defenses are not limited, but antimissile defenses are limited, or are attempted to be limited.

It is a one-sided equation, and I would really plead for putting arms control reflection not into the framework of a numbers game of how many warheads we have reduced, but where we will be after they are reduced.

Then for every gain in stability, you pay a price someplace else. I find it hard to visualize how we can continue to say that we will be forever ready to treat an attack on Munich like an attack on Chicago when the numbers of warheads and the comparative counts raise the question of what are you going to attack when you do use nuclear weapons, and what risks do you run to the security of your own forces?

And that gets to your most important question of what do I think would be the right proposal. Of course, one of the difficulties when you are outside the Government and do not have big staffs is that if you as an individual are asked to come up with an alternative proposal, it may not be all that persuasive. So if you do not like my ideas, that does not mean that 15,000 people in the State Department and 20,000 in the Defense Department could not come up with a better idea than I can come up with by myself.

I state that as a theoretical possibility, but do not hold me to it too strictly. [Laughter.]

I have been tempted to a view that if we could go to mobile, single-warhead, land-based missiles, that the danger of surprise attack would be substantially reduced. Other problems would arise, namely, how are you going to use your strategic weapons in defense of allies. But that problem exists now because we have no clearcut military mission of a counterforce nature for our strategic forces now.

So I would welcome an attempt to base the land-based forces of both sides on single-warhead missiles that could be permitted to be mobile, and I would not then worry so much about numbers. I mean, the numbers should be equal, but I would then not see any great magic in whether the number is at one level than another. That is, of course, not a complete answer to your question.

I also, I certainly favor the idea that the chairman put forward as an interim measure on the Strategic Defense Initiative for the protection, for ballistic missile defense of some missile sites.

Senator GLENN. Thank you very much. My time is up.

Just one comment. You stated that the INF magnifies divisive trends.

Dr. KISSINGER. Yes.

Senator GLENN. I would think that you would see START as even more of a magnification of divisive trends.

Dr. KISSINGER. Well, you see, the trouble is with all of these proposals, in each country there is such a large constituency of people who are yearning for agreement and who see in every agreement a beginning of a change of Soviet attitude, and who tend to treat foreign policy psychiatrically.

I think the first reaction to a 50-percent cut will be one of great euphoria and great relief. But when you begin thinking about it and you begin to ask yourself what will be the security situation afterwards, that is when questions arise. And we are drifting into a situation where we have hooked ourselves, the whole West has hooked itself to the slogan of reductions. It has become sacramental.

Second, on-site inspection has become equally sacramental so if we are given the right to some on-site inspection, you then do not have to analyze anymore what machinery you need, how much are you permitted to inspect. I would be interested to get an intelligence estimate of what percentage the on-site inspection provisions of the INF agreement add to what we could have found by national means.

I would be amazed if it is very significant.

I am not against it, and I am not so worried about violations on INF because I do not see the strategic purpose they would serve. But I do warn against the ritualization of arms control in which certain things become sloganized. We ought to ask ourselves what exactly is it we are achieving. And what exactly is it that that on-site inspection does.

And when I read about hundreds of inspectors, I ask myself, who are they going to report to and who is going to read all of this stuff, and how do you get it to any decision?

I am not questioning it. I am just saying that you cannot just throw the word on-site inspection around and think that in itself is a breakthrough.

Chairman **Nunn**. Senator Cohen.

Senator **Cohen**. Thank you, Mr. Chairman. Dr. Kissinger, you mentioned in response to Senator McCain that Chancellor Kohl is one of the most pro-American people that we could hope to have in West Germany. That may be the case. But all of us who attended a conference recently, the Wehrkunde Conference, were struck by the anomaly of having Mr. Dregger sit next to Egon Bahr and Mr. Vogel and link hands metaphorically.

And so Chancellor Kohl, while he may be pro-American, nonetheless may be under similar pressure from his own right.

Dr. **Kissinger**. This is exactly the point that I have been trying to make. When Chancellor Kohl came back from Washington, he was congratulated by Egon Bahr for the delay he achieved in facing the modernization issue.

I was getting some award in Germany last May, and Dregger, whom I have also known for 30 years, came to see me and pleaded with me to use whatever influence I have—he had a totally wrong impression of my influence—to abort the agreement.

And now we are seeing an alliance between some of the right-wing people and some of the neutralist people, which is extremely worrisome. And the traditional, the Adenauer wing is fragmenting.

In the German history of the modern state system, there has never been an alliance between Germany and any Western country.

There has been occasional friendship with Russia and a long-term friendship with Austria. But never with a Western country, because France was the hereditary enemy. Adenauer was the first German who tied Germany to the West. And that is what is now in jeopardy, and that is why we should be so worried. And we contributed to this state of affairs.

Senator COHEN. Dr. Kissinger, at Wehrkunde I used the phrase Genscherism, and that was the equivalent of using the phrase secular humanism in the face of Pat Robertson's delegates, it got quite a reaction at that time.

I also said something to the effect that the West Germans were forming a parade and they were about to march down through a nuclear-free corridor right into the Neville Chamberlain square. And that also produced a rather remarkable reaction among the delegates who were there.

But frankly, I think that some of this language has to be used to shake someboby to their senses, because the dynamic has been set in motion now which could lead to not only the double zero but the triple zero that you have talked about.

And I do not know what it is going to take to shake that momentum, because it has taken on a force of its own.

Dr. KISSINGER. Well, a reliable American foreign policy would help. And by reliable I mean one that does not change every few years.

Senator COHEN. Well, that would help. I have tried to take this into account.

The Germans were very concerned when the President was first elected. He was seen as being too warlike. Then they became really alarmed after Reykjavik because he was seen as the apostle of peace, and that worried them too.

We have a problem with their reaction. They seem to coin a new phrase every 5 or 10 years. Once it was decoupling. We have heard that for about 10 years. Now it is singularization, and now they are focusing upon that.

So they come up with a new phrase about every 5 years in order to demonstrate their particular historical alarm. So it is not just the United States, it is also a question of Germany as well.

Dr. KISSINGER. I am not saying it is all our fault. But we have to recognize that in Germany we have a divided country with unnatural borders, a capital in a town that has no historical relationship to being the capital.

And therefore rapid changes in American policy, no matter how meritorious, are going to create disproportionate responses among a very insecure people that has a very complex history.

Senator COHEN. Let us face it. The zero-zero was not our proposal. That was Helmut Schmidt's proposal.

So it is not exactly something that has emanated from Ronald Reagan. That came from Helmut Schmidt, and they cannot lay the blame upon an American proposal that somehow has laid them naked to their enemies. This is something that they proposed back in 1980 or 1981.

Also, I think you mentioned the French and the British combining their efforts to develop a standoff weapon. I am more concerned about the new proposal about Franco-German cooperation. It sounds right on the surface. Dr. Schlesinger and others, I think Dr. Brown, as a matter of fact, suggested that we should embrace it at least calmly, if not enthusiastically.

But if the United States urges the Germans to start moving closer with the French for their defensive needs, might that not be used as a rationale to say, there they go again, the Americans are decoupling.

Dr. **Kissinger**. There is no doubt, first one has to recognize that the Germans suffer from congenital insecurity. Partly because of their geographic location and partly from the fact that a big part of their history has been blocked out, so that it is a more rootless society than many others. I do not think the United States should urge a Franco-German cooperation. I think it should be tolerant of it and supportive of it.

And the coupling between the two sides of the Atlantic has to emerge from the merits.

The big danger, in my view, in Germany is that feeling abandoned, rightly or wrongly, they will start pursuing nationalist policies in the guise of neutralization, of parallel policies between East and West Germany, and all other kinds of vague ideas.

And again, if you look at German history, if in the year 1900 anyone had predicted that within 10 years France, Britain, and Russia would be on the same side, it would have been considered crazy. It was the German inability to choose among objectives that helped drive these erstwhile enemies together.

So Germany operating alone in the center of Europe will be a factor of great instability.

Senator **Cohen**. If I could just pose one more question on the INF Treaty. You indicate that it is by the board now for all practical purposes.

But the INF Treaty poses another problem for us on a strategic level, because the Soviets can now take SS–25s, unlimited in production, and conceivably use them in an INF mode or intermediate targeting mode.

Would that not support the argument on behalf of having a reduction in strategic systems to minimize that problem? That would be one question.

Second, you were part of that group which produced the report *Discriminate Deterrence,* which recommended deployment of strategic defenses.

The question I would have, if the Soviets were to deploy large-scale defenses, what would that do to the credibility of the United States' threat to use its strategic retaliatory forces, should the Soviet move conventionally in Europe? What would large-scale defensive deployments on their part do to the credibility of that threat?

And you may take as long as you like to answer that.

Dr. **Kissinger**. One would have to assess how effective these defenses are supposed to be against what kind of American strategy.

Obviously, if the Soviets were to deploy large-scale defenses, it would complicate the American, any American retaliation to an attack on Europe. But I think in part this is inherent in the current situation, because I find it difficult to visualize the precise purpose of an American strategic strike. For people who do not have to make the decisions, it is easy to say the United States must be prepared for an all-out blow. But then when you ask yourself, what is the man who walks into the President's office going to say to the President what are the targets, and what risks is he running for what benefit?

And this is a question that is becoming increasingly difficult to answer, with or without defenses. Now, to me, to go back to what Senator Glenn mentioned, I would like to see a negotiated level of offense and a negotiated level of defense, and hopefully these two will be brought into a relationship with each other so that they produce the maximum degree of strategic stability.

Having said that, if you ask me what that level is that would, I could not give you a good answer.

Senator COHEN. Well, I think that the chairman and others on this committee have tried to argue that very point, trying to strike a balance between the acceleration of our offensive systems and matching that against defenses.

Dr. KISSINGER. I have not favored the version of SDI that states that its purpose is to eliminate nuclear weapons altogether.

On the other hand, we cannot, in my view, base strategy totally on unopposed offensive systems. That must in the long term have a demoralizing effect on a democracy. We must be able to define a strategic objective for defense similar to a strategic objective for offense and then relate the two to each other in the negotiations.

Chairman NUNN. Thank you, Senator Cohen. Senator Levin, I believe you are next.

Senator LEVIN. Let me add my welcome to you, Dr. Kissinger. I would like to ask about your position on linkage between conventional arms control and START.

You have written, and I believe you reiterated today, that we should not take a step toward START unless it is linked with measures that reduce Soviet preponderance in conventional weapons.

Now, if I thought, frankly, that linking those two would produce a better conventional arms control agreement, I would favor linkage also. Because I think of the two, a START agreement and conventional agreement, that a good conventional agreement is more important.

I happen to favor a good START agreement, but I would put a conventional agreement, if it is a good one, on a higher plateau.

We recently visited Europe and talked to a lot of people there, and we heard Prime Minister Thatcher on this subject. She and the people that we talked to in Europe, I would say almost unanimously, feel that if we linked a START agreement to conventional arms, that we would give the Soviets leverage over the conventional arms control agreement.

If a popular START agreement were held up, while a conventional agreement were being negotiated, that would give the Soviets great public political leverage over those conventional arms control negotiations.

In addition to that, we have been the ones who have struggled to delink, for instance, SDI from the other talks. And so we, in a way, would be playing into the Soviet hands when they seek to link if we did some linkage of our own.

And finally, we do not have a conventional arms control position, as you have so eloquently pointed out here today. In short, linkage could create problems for a number of reasons.

But in any event, I am wondering if you would put yourself in our framework. Would you favor some kind of a resolution during the INF ratification debate which stated that the President or the administration should not bring us a START agreement for ratification until it has negotiated a conventional arms control agreement?

Dr. KISSINGER. In my statement before the Senate Foreign Relations Committee, I modified my linkage proposal to the extent that I said that before we go ahead with the START agreement we should know at least the parameters within which the conventional reductions are to be negotiated.

In other words, I would like to know what the Soviets understand by asymmetrical reduction. I admit the 50 percent reduction is highly popular. The INF reduction is highly popular.

At some point the leadership of this country and of the democracies has an obligation to tell its people what the realities are. And if we cannot explain in what way a 50 percent reduction improves the situation, then it is a false popularity for which we will pay further down the road.

As all of you know, all Europeans profess to rely on the American nuclear guarantee. If the Soviets managed to conduct arms control negotiations in such a way that nuclear weapons become systematically delegitimized, if in the preamble of every agreement there is a statement that nuclear war can never be fought, and if secondly the resulting balance from these agreements makes it less and less plausible that the United States can use its nuclear weapons because it has no rational targets for them, then the conventional balance becomes increasingly crucial.

And that will be magnified if we have not even a clue to what the Soviets mean by asymmetrical reductions I admit that we will not be able to negotiate it for many years. But we can ask for at least that much, to have a frame of reference within which the negotiation will then take place.

Senator LEVIN. Putting yourself now again in our framework, are you saying that you would recommend that we adopt a resolution as part of the INF ratification debate, which says something like, hold off bringing us a START agreement until you can present to use the parameters as identified by the Soviets of a conventional arms proposal?

Dr. KISSINGER. I would favor an expression by the Senate that says we are very worried about the conventional imbalance.

We are also worried about the kind of strategy that will result after all these agreements are made. And we would like you to come to us when you present START with the parameters of the next negotiation, and secondly, some explanation of the strategic doctrine underlying this agreement, so that we can explain to the public or debate before our committees whether this in fact increases the security of the Western World.

And this should be, in fact if the Soviets are interested in stability, that should be in their interests too.

Senator Levin. Would the agreement on a mandate for those talks satisfy your parameters?

Dr. Kissinger. The existing mandate?

Senator Levin. If we finally agree upon a mandate for the conventional arms control negotiations, would that mandate agreement satisfy your requirement?

Dr. Kissinger. If it was sufficiently specific, it would meet that requirement. But I have to tell you I am not wild about this particular agreement. It is another step down a road in which numbers become a substitute for thought.

Senator Levin. My time is up. Thank you.

Chairman Nunn. Thank you, Senator Levin. Senator Quayle.

Senator Quayle. Thank you very much, Mr. Chairman. And congratulations for another excellent statement. We all appreciate you and your thoughts.

Let me just follow along the lines of Senator Levin's question and ask you this. We have got INF behind us. We negotiate a START 50 percent reduction. We have got a ban for chemical and biological weapons on the table. As you say, we have got this fixation with numbers.

Once we negotiate those things, what leverage do we have with the Soviets to begin these asymmetrical reductions that need to take place on conventional forces? I do not see what leverage, once we get those things out of the way and move in that direction, what we have left.

Dr. Kissinger. Well, I suppose you could argue that the Soviets will want to reduce the expenses of maintaining large conventional forces, and cannot reduce them unilaterally.

But I am worried about the facts that the Soviet Union, in a period of obvious difficulty, has managed to focus the negotiations on those weapons on which, for better or worse, we have relied, and have managed to keep out of the negotiation those weapons that have represented the greatest threat to the security of their neighbors. That is not a healthy situation.

Chairman Nunn. Could I interrupt one second on that? I would like to just venture that perhaps they have not managed that, we have managed that.

Dr. Kissinger. We have managed it.

Chairman Nunn. I think you give the Soviets too much credit. We cannot figure out what we want.

Dr. Kissinger. You are quite right.

Senator Quayle. We have managed that, but we have negotiated things that are in the greatest interest to them rather than focusing on this conventional imbalance.

And once we negotiate the things that are of interest to them, I ask again the leverage that we have with the Soviet Union beyond the economic considerations. Certainly they have to make resource allocations in the Soviet Union.

But past tradition and precedence do not seem to indicate that they have too much reluctance to invest in defense whatever they want to.

Dr. Kissinger. But the point that Senator Levin implied is also important, that we go four-fifths of the way down a road and at that point we raise the considerations we probably should have raised at the beginning of the road.

And that makes it much more difficult with people like Margaret Thatcher and others, who really are basically very well disposed toward us.

Senator QUAYLE. So therefore it would make sense to put the conventional issue on the front burner?

Dr. KISSINGER. I would certainly put it on the front burner. We probably cannot now insist upon having it completed, but I would want to see whether the Soviet idea of conventional disarmament is so preposterous that we are in a ball game in which they want to maintain their conventional threat at all costs.

Senator QUAYLE. Senator Cohen outlined in some of the concerns he came away with from Wehrkunde, and I would just like to continue that train of thought.

Not only did Hagar and Bahr and Vogel join in congratulating Chancellor Schmidt, but Strauss had some rather revealing comments about the threat of the Soviet Union that I had not heard before. Some I had read, but had not heard before.

I do not believe, from a political sense, I do not see Chancellor Kohl really getting any stronger down the road. Two years from now, 5 years from now, most predict that he would have a re-election capability. I think they are being held in 1990.

Given that, and that perhaps they are not going to get politically stronger, given the fact that you have got this momentum going with zero-zero, 50 percent reduction, I mean from a political sense, despite the call for a steady American foreign policy, how are we realistically going to deny that third zero, when the Soviets put it on the table?

You have a situation in Germany now where the politicians are out ahead of the public on this issue. In this particular discussion of modernization. I did not detect it when I was over there in the public that there are a lot of demonstrations, a lot of talk about this.

I detected it with the politicians. And it will become a self-fulfilling prophecy. And the public will certainly begin to focus on this, once that gets on the table. But how do we realistically think in the next decade that we are going to stop this triple zero?

And once you have that you basically have the denuclearization, you have got the concern of whether our troops will be in harm's way or in safety. I am just sitting here and walking away, having spent a week over there, not terribly optimistic.

And if I look at this thing just from a political sense, how do we stop this? What do we need to do? How do we recommit ourselves——

Dr. KISSINGER. In fairness to some of the people you have mentioned, Kohl, Strauss, Dregger, none of them wanted the double zero solution. That they did in response to us. That now has unleashed the triple zero.

The only hope, if there is a hope, that there are certainly trends in Germany that may move faster than we can, than anything we can do. I suspect that there will be more and more economic lures put out by the East.

I suspect that some sort of romantic nationalism will develop where they will say, the two Germanies need not be unified, but can pursue parallel foreign policies. All of which will have the objective tendency of weakening Germany's ties to NATO.

The only hope that we have is that we have a bipartisan consistent policy here to which we will stick, and in which we will have to say that we cannot keep forces there without nuclear protection.

The trouble is that now any policy we adopt becomes very risky for a leader to identify himself with. I believe that if Germany starts pursuing a purely national course or largely course, NATO will change its character. And Europe will become an area of great political disquiet.

But I fear the tendencies are there. That was the reason why I was opposed to INF from the beginning. None of the systems analysis arguments carried much weight with me one way or the other.

Senator QUAYLE. The INF Treaty gives up the ground-based cruise missiles. What is your viewpoint on the potential military application of the conventional cruise missile?

Dr. KISSINGER. Well, I was a part of this panel on discriminate deterrence, which believed that the accurate cruise missiles, in whatever basing mode, are one of the methods of the countermeasures to Soviet conventional pressure on Europe. And so I would regret any limitation that made it more difficult to resort to that weapon.

Senator QUAYLE. Thank you.

Chairman NUNN. Thank you, Senator Quayle. Senator Stennis.

Senator STENNIS. Dr. Kissinger, it would not take a great deal for this group to again hear your comments, your wisdom, your understanding, your counsel and advice that I saw more of in other critical days and experiences of our Government.

I want to publicly thank you for the fine contribution you made then and continue to make now. When I heard that you were in the hallway out here, I made plans to get to see you and to hear you.

And it was not just a personal matter, but it is an appreciation and realization of the very strong, fine, and effective counsel and advice that you have given to us. And you have proven to be so active and able and effective, and I would like to thank you again and commend you highly.

Dr. KISSINGER. Thank you very much, Mr. Chairman, and I think back with great pride to the privilege I had of working with you in very critical periods, and the patriotism and wisdom that you always exhibited during very difficult times.

Senator STENNIS. Thank you.

Chairman NUNN. Thank you very much, Senator Stennis. Senator Wilson.

Senator WILSON. Thank you very much, Mr. Chairman. Dr. Kissinger, it is always good to see you and to listen to you.

The Washington Post this morning carries a story that I suppose, if I were to capsule it, would say that you think that whatever faults may exist that more damage would result from a failure to ratify this treaty than to not do so, because it would undermine the credibility of American foreign policy with our NATO allies.

Dr. KISSINGER. Yes. I do not think that we can negotiate something over a period of years, submit it with great passion to the NATO council, use a lot of body language to convince the Germans to make decisions that would not have been their first choice, and then say that a third of the Senate plus one has refused to go along with it, and now we are going back to the status quo.

The end result would be that the Europeans would ask us to take our missiles out anyway. So we would get the worst of all worlds.

Senator WILSON. Let me ask you this then. I listened with great interest to my colleague from Michigan, Senator Levin, as he made an inquiry that I was going to make.

And let me make a different one now. Let me just ask you that if you were, were you a Member of the Senate, asked to vote on ratification of this treaty, what reservations, if any, would you propose in light of the misgivings that you have, but the decision that you have made that the best interests of the United States requires ratification?

Dr. KISSINGER. Well, I have not really studied the legal implications of reservations. Let me say what I would like to see happen, and whatever the Senate could contribute to it.

First, I have already indicated that linkage to conventional disarmament in some manner that permits a reasonable debate of where we are going.

Second, I would ask the administration to put forward some strategic doctrine of where we will be from a security point of view after whatever agreement they are putting before us is made, and not on the basis of, look, they have gotten rid of half of their heavy missiles, because the targets of their heavy missiles have shrunk faster than their heavy missiles, under this projected agreement.

Third, some indication of where all of this process is going to go. These would be minimum conditions of the conceptual nature that I would put before them. Because, I must tell you, I am deeply worried about what is going to happen to 40 years of bipartisan effort in the NATO field.

And I am worried about this obsession with the personality of a single Soviet leader who has so many other pressures on him, and who could not have reached the top by being weak or soft.

Senator WILSON. You do not think he is the first Dale Carnegie graduate within the Kremlin?

Dr. KISSINGER. I would not want us to wind up like Yeltsin.

Senator WILSON. I think that says it. Let me just ask you this.

In light of what you have indicated and in light of the recent reports from Moscow that our negotiators and the Soviet negotiators have been instructed by Secretary Shultz and his counterpart, Mr. Shevardnadze, to return in a month with a draft agreement on the order, I gather, of the Vladivostok agreement, in light of that timetable and your expressed concern that whatever the legal forum, the substance of a reservation speak to the necessity for linkage between future arms reduction, specifically strategic arms reduction, and conventional reduction.

How is it possible for us to achieve that within the timeframe that seems to be unfolding? Now, it is true that signing the treaty is one thing and ratifying it is another. But let us assume that an effort would be made to ratify, and maybe not. Maybe all they are talking about is a framework agreement, although I do not find great comfort in that.

Dr. KISSINGER. I would feel a lot happier if the process were more deliberate, because every agreement generates pressures in new directions.

I have great difficulty visualizing how verification procedures for five or six different categories of strategic weapons can be worked out, that are being reduced by 50 percent to as yet unknown numbers.

When we had such enormous difficulty working out verification procedures for one category of weapon that was being reduced to zero, and in which the danger of violation is much less, but that may simply be a lack of imagination.

But what worries me is the next step. Just as the double zero inevitably produced the triple zero pressures, if you add the non-circumvention clauses to the agreement that inevitably will be added, what will happen as a next step is pressures at both ends.

In Europe, in Germany they will say, if you can reduce the risk to yourself in the long-range field, why can we not reduce the risk to ourselves in the short-range field? The Soviets will begin working on the French and British nuclear forces in the next phase of these negotiations, and have already said that no further reductions are possible unless the British and French are included.

So we will work ourselves into a situation of potential conflict with all of our partners, if we are not capable of elaborating limits to where this process will go, and strategies of how the resulting forces would be used.

And I believe that this must be included in the START discussions, and not just military statements that it is not altering an existing situation.

Senator WILSON. In a climate of triple zero pressure, how optimistic are you that force modernizations of a kind that would be required to offset the conventional superiority of the Warsaw Pact will take place based upon the history of modernization after arms control agreements?

Dr. KISSINGER. I am very uneasy that in order to sell force modernization, we apparently have to hook to it very substantial unilateral reductions of our nuclear stockpile, according to some of the proposals that have been made before this committee.

And I just hope we do not slide with respect to the short-range weapons into the INF dilemma, that in order to get a modernization we make a proposal that then comes back and leads to the complete denuclearization.

How optimistic am I? Well, we have used up our fat in NATO, and we either are going to face reality or we are going to have to pay a price. And we are coming close to that point. We are approaching that point.

Chairman NUNN. Senator Wilson, I believe your time has expired. We have all gone around the room. Are there any other questions for Dr. Kissinger?

Senator SHELBY. Mr. Chairman, I have one brief question.

Senator WILSON. Thank you, Dr. Kissinger.

Chairman NUNN. Senator Shelby.

Senator SHELBY. Dr. Kissinger, you mentioned the forces that have been unleashed. Have we brought that about?

Dr. KISSINGER. No, I think in fairness the Europeans have been avoiding difficult choices for a long time.

The German domestic situation is complicated by this century's tragedies in Germany, by the loss of two wars, and by the basic insecurities of a people in a divided country that we did not create.

We have perhaps not been very sensitive to the peculiar situation in Germany. Everything Senator Cohen said is absolutely correct, but was not unforeseeable. That is, that does not make it right.

We were perhaps insensitive and thought systems analysis had the same significance in central Europe as it does at think tanks.

Senator SHELBY. Would it be part of the message that we are bringing, which is different messages, that the Germans could not figure out what we really wanted or what was our policy?

Dr. KISSINGER. You know, I do not think because we emerged into international politics really only after World War II, the Germans we met were people like Adanauer, who we thought were normal leaders, and we did not understand that the Adanauer tradition was a very new departure for Germany, and took a very major effort to keep together. And so we did not perhaps understand how fragile it was.

But then you cannot expect every American leader to have studied the history of every country we are dealing with.

Senator SHELBY. But it would be nice, would it not?

Dr. KISSINGER. Well, in this case, it was a pity. But the history of Germany has been so different from the history of the United States that it is understandable that our people did not always understand what they were really talking about.

When Senator Cohen talks about the Foreign Minister, Gensche, one has to really see that in a context which is quite different in Germany than it is here. It is a small party maneuvering between the other two parties.

And so one has to understand the domestic politic context in which he makes his proposals.

Senator SHELBY. Dr. Kissinger, thank you for appearing here with us. I have certainly gotten a lot out of it. Thank you, Mr. Chairman.

Chairman NUNN. Dr. Kissinger, as usual, you have done a splendid job. You have given us a great deal to think about, including a number of cautionary signals you put up, and also some, I think, instructive suggestions.

And so we are very grateful to you. We are going to continue to have hearings. We have to look at some of the negotiating record and we have to have closed hearings on some of the details.

We will be in this process for some matter of weeks, if not months, not in the committee, but on the floor. We will be having amendments, and we would like to reserve the right to call you from time to time and impose on you for your views.

Dr. KISSINGER. Whenever I can, I would be happy to do it.

Chairman NUNN. We are very grateful. Thank you.

[Whereupon, at 4:17 p.m., the hearing was adjourned.]

NATO DEFENSE AND THE INF TREATY

THURSDAY, FEBRUARY 25, 1988

U.S. Senate,
Committee on Armed Services,
Washington, DC.

RESOURCE POLICIES FOR NATO FORCE IMPROVEMENTS

The committee met, pursuant to notice, at 9:17 a.m., in room SR-222, Russell Senate Office Building, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Stennis, Exon, Levin, Dixon, Glenn, Wirth, Warner, Quayle, and Wilson.

Staff present: Arnold L. Punaro, staff director; Carl M. Smith, staff director for the minority; Jeffrey H. Smith, general counsel; Christine C. Dauth, chief clerk; Judith A. Freedman, Sherri Wasserman Goodman, John J. Hamre, Ronald P. Kelly, James R. Locher III, David S. Lyles, and Frederick F.Y. Pang, professional staff members; Cindy Pearson, Pamela G. Powell, and Mickie Jan Wise, staff assistants; and Barbara L. Braucht, receptionist.

Also present: Jeffrey B. Subko, assistant to Senator Exon; William J. Lynn, assistant to Senator Kennedy; Donald A. Mitchell, assistant to Senator Glenn; Terrence Lynch, assistant to Senator Shelby; William J. Wight, assistant to Senator Warner; Henry D. Sokolski, assistant to Senator Quayle; Alan Ptak, assistant to Senator Gramm; and Anthony H. Cordesman, assistant to Senator McCain.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Chairman Nunn. The committee will come to order.

My apologies for starting the meeting 15 minutes late. I had a meeting I could not leave, and no one else could come at 9 o'clock and open the hearing.

So to the witnesses, we thank you for being here.

This morning the committee meets to receive testimony on the resource issues which continue to be a key problem, and I also would add, a key opportunity with the NATO alliance. This is the only hearing that will be fully dedicated to assessing the effectiveness of NATO's resource policies for achieving critical force improvements.

NATO adopted the flexible response strategy in 1967, yet 20 years later Gen. Bernie Rogers, the former Supreme Allied Commander, still indicates that the NATO military commander would have to request the release of nuclear weapons, quoting him, "in days, not weeks", because of serious conventional force deficiencies.

Moreover, the trends in the conventional balance are worsening. Last year Admiral Crowe noted that in terms of the NATO-Warsaw Pact balance, quoting Admiral Crowe, "major trends are generally adverse to NATO." Yesterday, Dr. Henry Kissinger stated, quoting Dr. Kissinger, "The gap in conventional forces remains and perhaps is greater than ever."

What is shocking about this situation is that NATO as an alliance spends more on defense each and every year than the Warsaw Pact. That is something the public does not realize in our country or in Europe, but let me repeat it. NATO spends more collectively than the Warsaw Pact. That includes the United States each year on the NATO side, and it includes the Soviet Union on the Warsaw Pact side.

There have been years, of course, where the Soviet Union outspent the United States, but alliance to alliance, every year NATO spends more.

Now, how can we as an alliance consistently spend more and yet continue to have such inadequate conventional capabilities as to potentially necessitate the use of nuclear weapons within days after a Warsaw Pact nonnuclear attack? That is a question the taxpayers of this country have every right to ask. It is not easy to explain.

Sadly, NATO continues to operate business as usual in large part, although some changes are being made, and we are going to talk about some of those more hopeful changes this morning with our witnesses.

Gen. Sir Brian Kinney, NATO's Commander of the Northern Army Group [NORTHAG], recently pointed out that in the northern sector of the NATO command, there are five different tanks with four different calibers of gun; four different antitank helicopters with different antitank missiles; and five different types of rifles, each with different ammunition. We cannot afford to continue this incredible situation where the Pact widens its conventional capabilities against NATO at the same time NATO outspends the Pact.

The committee has asked our witnesses to review why the NATO alliance has had such limited success coordinating the defense efforts of the respective members and to address what resource policies NATO must adopt and implement to provide a credible conventional defense.

Both of our witnesses today have had personal working experience at NATO in trying to come to grips with the disconnect between NATO's stated resource policies and the budget priorities of the individual countries. Ambassador Alton Keel is the U.S. Permanent Representative to NATO and is quite familiar with the ongoing difficulties of coordinating the efforts of the alliance. He is a familiar figure to this committee, having worked on the staff of the Armed Services Committee prior to joining the administration in 1981. We welcome his presence here today as a former staff member who is doing an exceptional job for our country. We especially welcome him in light of the impending NATO summit conference which we will all be following with a great deal of interest next week.

Deputy Under Secretary Dennis Kloske is also quite familiar with NATO, having served as a Special Assistant to Ambassador Dave Abshire. In that capacity, he helped Ambassador Abshire develop his resources strategy and implement the NATO cooperative research and development programs which Senator Warner and I sponsored 3 years ago. He is now in the Office of the Secretary of Defense where he continues to monitor the NATO research and development programs and coordinates the Secretary's project on competitive strategies.

We are pleased that both of our distinguished witnesses could join us today, and we look forward to that testimony.

I understand they have allocated Mr. Kloske to make the opening statements, and Ambassador Keel will answer all questions, but if I have misunderstood that, we will take it in whatever order the witnesses prefer.

Who prefers to lead off this morning.

[The opening statement of Senator Alan Dixon follows:]

PREPARED STATEMENT BY SENATOR ALAN J. DIXON

Mr. Chairman, I am pleased to welcome Ambassador Alton G. Keel, Jr., U.S. Permanent Representative to NATO, and Dennis E. Kloske, Trade and Defense Cooperation Advocate for the Secretary of Defense. These gentlemen will discuss a very important topic for the future of the NATO Alliance, the resources policies for NATO force improvements.

This committee has heard substantial testimony on the imbalance of conventional forces in Europe. The advantage the Warsaw Pact forces have in numbers of weapon systems is very apparent. We have heard recommendations on how to improve NATO conventional, tactical and strategic nuclear forces. We have heard little said on how the United States and its allies will pay for these improvements. There are limited resources available. But I believe that the improvement of the conventional forces, in particular, must have a high priority in our defense budget. I will be looking very closely at the fiscal year 1989 budget submission to see what the administration's priorities are.

While today's witnesses are supportive of the INF Treaty, we have heard from a number of critics of the treaty and our overall approach to arms control. I support this treaty, and I support arms control. But I support good treaties that improve our chances for world peace without jeopardizing the security of the United States and our allies. This committee will look closely at this treaty and any others brought before us. We will make our final judgment based on the viability and verifiability of those agreements.

I look forward to hearing the comments and opinions of today's witnesses.

Thank you, Mr. Chairman.

STATEMENT OF DENNIS KLOSKE, SPECIAL ADVISOR TO THE DEPUTY SECRETARY OF DEFENSE ON NATO ARMAMENTS

Mr. KLOSKE. Mr. Chairman, I must depart for the west coast relatively promptly, so with your indulgence, I would just like to start off first this morning.

I am very pleased to appear before you today to discuss the critical link between affordable conventional defenses for NATO and effective trans-Atlantic arms cooperation. This committee to date is focusing part of its hearings on the future of NATO, its strategy and its defense posture in the post-INF period. While there will be much heated debate about the adequacy of NATO's strategy and the required levels of nuclear and conventional force modernization, it is essential that we focus on the crucial and tough issue of the alliance's financial and technological resources, how they will be invested, based on what time tables and priorities, and how the costs and risks will be shared on both sides of the Atlantic.

This is a major challenge for the alliance, Mr. Chairman, one that you are well familiar with, for the past record on this resources issue has been mixed, at best, while the future presents a daunting picture.

There is mounting concern throughout the Atlantic alliance that the United States and its European allies are facing serious problems in matching the relentless pace of Soviet force modernization. Since the early 1970s, the Soviet Union has introduced new generations of fighter aircraft, tanks, armored personnel carriers, self-propelled howitzers and antitank weapons. The comprehensive modernization of Soviet conventional forces in the last 10 years has been accompanied by the development of new tactics exploiting Soviet firepower and mobility to collapse NATO's forward defenses in days.

Despite the real growth of expenditures in defense which you referred to, Mr. Chairman, certainly equaling if not superior to the Soviet military investment, and despite the West's much-vaunted lead in military technology, NATO has been unable to match the pace of Soviet modernization in the last 10 years. In addition, while the force balance ratios between NATO and the Warsaw Pact have remained relatively stable as a result of the alliance's multi-billion dollar effort in the last decade, these ratios may well worsen in the coming years as austerity budgets begin to take hold throughout the alliance.

Certainly the conclusion of an agreement between the United States and the Soviet Union to remove intermediate-range nuclear forces from the European continent will make strengthening NATO's conventional defenses a priority issue at two levels, for discussions between the United States and its allies, and between the administration and Congress.

But slow growth economies, stagnating defense budgets and complacent public opinion will severely restrict the ability of alliance nations to make greater and costly investments in NATO's conventional defenses. Thus, the alliance will have little choice but to do better with the defense resources already in hand, and to develop an affordable NATO conventional defense improvement strategy that will eliminate glaring deficiencies by re-establishing priorities and reallocating existing resources.

Very useful work has already been accomplished to guide this improvement strategy, Mr. Chairman, and one of the things I would like to focus on today is the work that has already been accomplished. The conceptual thinking is already there.

Chairman **Nunn**. I never heard that before relating to NATO. It is always in the future.

Mr. **Kloske**. No, sir. The issue, as I will get to in my conclusion, is a matter of commitments, timetables, priorities and leadership, that, albeit, is a scarce commodity in NATO, but the work has been done.

For example, the conceptual military framework prepared by SHAPE Headquarters in the last 18 months projects the Warsaw Pact threat into the 1990s and beyond and provides an excellent road map to meet NATO military requirements. The only problem with the framework is that it has no priorities. Everything is a priority. That is not the way to do business, in my mind.

NATO Defense Ministers have already identified and agreed on key military deficiencies. But again, there are no timetables. NATO planners are in Brussels now reviewing the possibility of establishing guidance and planning links between NATO military requirements and the future development of military equipment, which is well in train. Again, we will have to see if priorities are established. And finally, the recently completed Department of Defense report on Competitive Strategies for NATO offers a promising framework to concentrate missions and technologies on key areas of Soviet weaknesses. Equally important, the technologies and systems identified in the report lend themselves to trans-Atlantic cooperation on an accelerated basis.

I have included in the annex of my statement a matrix that gives you an idea of the concepts and missions that we have identified for competitive strategies in NATO and also gives you an idea of the systems and technologies linked to a C^3 foundation.

I would like to take this opportunity, Mr. Chairman, to offer this briefing on Competitive Strategies to you and the members of the committee. Because the report is classified, we would have to go into executive session, but I think that the report, which reflects the efforts of a 90-day task force, certainly merits your interest and your attention. The offer is there.

Chairman NUNN. How long does that take?

Mr. KLOSKE. Twenty-five to 30 minutes. The debate after that takes 2 hours. But the offer is made.

The challenge for NATO now, Mr. Chairman, is how to design a collective investment strategy for our superior financial and technological resources, and this is important, guided by NATO military requirements and not by narrow national priorities.

Success in the future will hinge on NATO's ability to establish a flexible and resilient trans-Atlantic framework that provides for effective arms cooperation and, equally important, encourages a free flow of military goods and services on both sides of the Atlantic.

Without this framework, for the future, the alliance will continue to waste resources at a time when it can ill-afford to do so, will lose ground to the Warsaw Pact after a decade of marked improvement, and will demoralize a public opinion that is already very sensitive to the high cost of conventional defense.

Now, the fundamental factor, Mr. Chairman, accounting for NATO's modest return on its annual multibillion-dollar defense investment is the high cost of military research and development and production resulting from the low and very inefficient level of trans-Atlantic arms cooperation. You mentioned earlier that you find it scandalous that the alliance continues to invest more superior technological and financial resources than the Soviet Union and the Warsaw Pact. What that reflects is that the input-output equation does not favor NATO, has not favored NATO historically, and it means that from a business point of view, the alliance operates at a very inefficient level of production.

Chairman NUNN. May I ask you a question on this point, and then we will come back to this point in your testimony.

Would it be fair to say, in the terms that we use in describing trade policies and so forth in the current economic debate, that NATO's military expenditures are the ultimate in protectionism?

Mr. **Kloske**. No, they are not the ultimate in protectionism. Defense cooperation has taken place certainly within Western Europe in the last 10 or 15 years. My concern for the future, Mr. Chairman, is that as the visibility of defense industries and mounting pressures to protect these industries grows within the alliance, as national defense capabilities begin to proliferate throughout the alliance, our ability to rationalize investments and our ability to rationalize resources when jobs, exports, technology, and national prestige are at stake will become increasingly more difficult.

Chairman **Nunn**. So you are saying we do not have a protectionist policy in terms of each country procuring its own equipment, protecting its own industry, having its own research and development and having its own production lines?

If this is not protectionism, what is it?

Mr. **Kloske**. But you asked if it was the ultimate in protectionism, sir.

Chairman **Nunn**. Let's scratch the adjective.

Would you say it is an overall protectionist type approach and has been for years and years and years?

Mr. **Kloske**. Well, I think what it reflects more than anything, Mr. Chairman, is the fact the nations will invest based on their national resources and national requirements. One could say it is protectionist, yes, from that point of view.

Chairman **Nunn**. What if the commercial world worked the way the military world works in procurement? This is my point.

Mr. **Kloske**. Okay.

Chairman **Nunn**. Suppose the nonmilitary allocation of resources and policies of various nations in the free world were like NATO's military procurement policies, what would be the result in terms of the world economy?

Mr. **Kloske**. You would probably have a grinding halt of open and free commercial trade.

Chairman **Nunn**. The Soviet Union and Warsaw Pact would probably dominate the gross national product of the world, not because they would be any better, but because the free world would be a lot smaller, would it not?

Mr. **Kloske**. In certain aspects that is correct, Mr. Chairman.

The big, significant challenge for the alliance for the next 10 years will be to ensure that at the defense level we try and retain some semblance of open trade activity on both sides of the Atlantic.

Chairman **Nunn**. When you say retain——

Mr. **Kloske**. And may I add something, Mr. Chairman?

Chairman **Nunn**. When you say retain, you are saying maintain, our challenge is to maintain the status quo. I thought our challenge was to make quantum leaps in open military cooperation, and you are saying we are going to have to struggle just to maintain the inefficient system we have now.

Is that the way you are describing it?

Mr. **Kloske**. I say that we should conserve the advantages and successes that we have obtained in the last 2 years, sir, and that we should certainly stride purposefully into the future. There is no such thing as a quantum leap in NATO, sir.

Chairman NUNN. Well, if there is no such thing as a quantum leap in NATO, then we are on a slow downward trail of continued conventional imbalances in a period, with INF agreements and other type agreements, when we are basically slowly eroding the credibility of a nuclear response. I see that as a pretty grim picture if we are not going to make more than what I would call very slow evolutionary improvements to the status quo.

Mr. KLOSKE. Well, I think what we have done in the last 2 years, because of the rapid pace and a number of successes that we have obtained, Mr. Chairman, is almost revolutionary in terms of NATO.

Chairman NUNN. In terms of potential, you have got a lot going on, but it has not come into fruition and into production stages yet.

Mr. KLOSKE. When you have research and development programs that last 10 to 12 years, it is difficult to accelerate them without paying a high cost penalty.

Chairman NUNN. Well, I am not criticizing the last 2 or 3 years. I think we have made a lot of progress, too. It seems to me that somebody has to be able to explain to the taxpayers, not only of this country but of the NATO alliance, why it is that the NATO alliance outspends the Warsaw Pact every year in gross national product?

Mr. KLOSKE. Total procurement would be——

Chairman NUNN. What is the GNP ratio of NATO versus Warsaw Pact, do you know?

Mr. KLOSKE. Probably 3 to 1.

Chairman NUNN. We outspend them every year, and yet we have a policy where we have to use nuclear weapons in the first few days of any conflict because they have such superior quantities of conventional capability.

That is the bottom line. I know that is what you are struggling with. I am not complaining about your efforts. I think you have done a great deal, and I think we are making some strides, but I would repeat that I think we have got to make, if not quantum, at least leapfrog type progress. I think evolutionary progress is not going to be sufficient in the period in the post-INF environment.

Mr. KLOSKE. No, I think, Mr. Chairman, that I would agree with you. I think most people in NATO would also agree with you, that the momentum that we have been able to build up in the last 2 or 3 years we can build on on an accelerated base.

The key issue, and this is one of the points I would like to bring to everybody's attention today, is that when NATO considers strategy and force structure and these elements, sometimes they forget to put in the resources equation. When they do put in the resources equation, sometimes it takes place in a vacuum and it ignores the sad reality in some cases in Western Europe that when you make defense decisions, it is usually the trade or industry minister who makes those decisions, and the defense minister ends up being the junior minister and does not carry the cabinet.

Chairman NUNN. That is the case in Europe. That is not the case in this country, is it?

Mr. KLOSKE. It is not the case in this country, but it takes two to tango, Mr. Chairman.

Chairman NUNN. Are there any European countries that are the exception to that?

Mr. KLOSKE. Well, I think what you increasingly see in Western Europe today, Mr. Chairman, is the fact that they are asking themselves very serious and thorny questions about the future viability of their defense industries.

Exports overall, on which a lot of these industries are significantly dependent, are down on all sides. The cost of additional investments to maintain technological capability is going up. The markets are shrinking in Western Europe, and there is a lot of competition. Hundreds of thousands, if not millions of jobs are at stake.

So what I am just trying to say is that we need to make sure that when we develop our strategic investment approach to NATO, we must factor in these political issues; otherwise we are destined to fail. And again, the thrust of my testimony here today is that we must be mindful in utilizing the strategic framework which is already in hand in developing our political priorities, and when we talk armaments in the alliance, it is not only force capability; it is jobs, it is technology that usually are the locomotives in certain sectors of that industry; it is exports and national prestige. And trying to sort these differing requirements out in 16 nations is not an easy task to do.

The fact that we have made so much progress in the last 3 years gives me optimism that we can continue to make significant progress in the next 10 years. But we have to be mindful of it, and it is going to get tougher.

So the level of political commitment that needs to go into this needs to grow, and we just need to keep on pushing because if we do not, I am very concerned that the day-to-day political and economic pressures that we all face will erode our ability to make these collective decisions.

The reason we have such an inefficient level of production capability today in the alliance is because we do not have a collective investment strategy for the alliance. Investment decisions are usually made on a national basis. When you factor that up or ratchet it up to 16 nations, you get a very high level of inefficiency.

Now if we can only pursue the arms cooperation objectives linked to NATO military priorities that we have identified on a priority basis. That is the great merit of the Competitive Strategies Report which the Department of Defense has submitted for consideration; it identifies key priority areas where NATO is competitive, where our technologies are competitive, where we can actually exploit Soviet weaknesses and maximize them. And all the systems that we have identified lend themselves to trans-Atlantic arms cooperation.

Now, that could be the hard core of priority arms cooperation for the alliance for the next 10 years. The payoff is in multiples. And that is the kind of approach that we have recommended to Secretary Carlucci, and that is the kind of approach I would recommend to you, Senator.

Chairman NUNN. Well, that is what I mean by a quantum leap.

Mr. KLOSKE. That would take us into a quantum leap, sir.

And because we are operating so inefficiently, any positive improvement results in a major delta in terms of capability.

Chairman NUNN. It sounds like you are saying we are engaged in the ultimate in protectionism, and we do have a chance for quantum leaps.

Mr. KLOSKE. Well, I like to use my imagination, Mr. Chairman, and my short career in the Department of Defense has shown that the power of ideas, of right timing and political will can result in quantum leaps like the Nunn-Roth-Warner amendment, which is a landmark development in the history of the alliance.

Chairman NUNN. Do you want to go ahead?

Mr. KLOSKE. Yes, sir, if I may, and we will get into this in greater detail.

Well, we were talking about levels of inefficiency. Let me just cover them very quickly. The fundamental one is the proliferation of national defense industries in the last 15 years which has resulted in the wasteful duplication of research and development and production, leading to the deployment of similar weapons systems in limited numbers throughout the alliance, and this is a real problem for the alliance. At the same time, each NATO nation is still largely responsible for its own command, control, communication and intelligence systems and logistics support, which adds significantly to the cost of meeting combat support requirements and erodes the capabilities of NATO field commanders to employ their resources on an effective coalition basis.

Additionally, national research and development programs, which more often than not tend to re-invent the wheel, and smaller production runs have led to the loss of economies of scale and increasingly expensive weapons systems. The development of new and sophisticated technologies will certainly add to the cost of future weapons systems as long as these programs are implemented on a national basis. A steadily decreasing volume of newly fielded equipment is also beginning to raise serious questions in the defense community about the wisdom of relying on expensive quality to defeat quantity.

Furthermore, the persistent lack of standardization and interoperability in NATO's armies imposes a very heavy penalty on the alliance's ability to execute a coalition strategy. The absence, for example, of a common identification friend-from-foe system could easily lead to the destruction of a significant number of NATO aircraft by NATO's own air defenses. NATO armies also face serious problems in utilizing different makes of ammunition, fuel and spare parts. Persistent deficiencies in a common communications capability between NATO forces could well prove devastating to our ability to defend, reinforce and maneuver effectively.

I would like to point out, Mr. Chairman, that for the 1990s NATO must make quantum improvements in two areas: the area of ammunition, one that you are very well familiar with, but also in the area of command, control and communications.

I predict that for the 1990s, this secondary aspect, command, control, and communications, will become the Achilles heel of the NATO alliance.

Chairman NUNN. Are you talking about the interoperability and commonality of those, or are you talking about survivability of C^3?

Mr. KLOSKE. I am talking about survivability, mobility, redundancy, interoperability, commonality, and linkages, because we often forget this—a true weapons system only becomes a true weapons system when you have a system of systems. You have the ordnance, you have the platform, but you must also have C^3 to provide you with the right target set and make sure you can execute it properly.

And again, what you see in the alliance today is that electronics, because it is a high technology item, has received priority attention in all the national defense industries. Again, when you try and rationalize that and everybody is trying to protect their industrial base, it becomes very difficult.

It also should be of great concern to this committee that as we face increasingly austere defense budgets, the natural tradeoff in all the military services, both in this country and in Western Europe, will be between platforms and C^3 and ordnance. And one of the things that we have tried to do in the Competitive Strategies Report for Secretary Carlucci is to identify and make very clear, C^3 is the foundation of any kind of operational capability for NATO on a theater wide basis for the 1990s. If you decrement C^3, if you cut it off at the knees, you are going to be fighting blind.

Chairman NUNN. Why don't you describe what C^3 is? We all know on this committee because we deal with it, but there are a lot of people that may not understand this.

Tell us what C^3 is.

Mr. KLOSKE. C^3 is command, control and communications, and basically it is a series of capabilities and systems that allows us to survey and track our adversary at various lengths and distances to make sure that we can pass the information back to our commanders, allowing them to then execute their operations, firing systems, and so forth. Without C^3, you are fighting blind.

That is one of the important points that needs to be made today. We need to stress and emphasize the need for defense cooperation in C^3, and we need to make sure that C^3 is linked to operational combat effectiveness.

Chairman NUNN. Are you satisfied we are doing that between our own services?

Mr. KLOSKE. It is a never-ending struggle, sir, but we have won the battle so far.

Chairman NUNN. Are you in charge of C^3 coordination between our own military, or is that somebody else's job?

Mr. KLOSKE. The ultimate decisionmaker is Deputy Secretary Taft, and I jump up and down occasionally just to reinforce the point.

Chairman NUNN. But you are involved in that as well as trying to improve coordination of C^3.

Mr. KLOSKE. Yes, sir. As a matter of fact, I am trying to reach an agreement with the Joint Chiefs of Staff to make sure that we can provide Mr. Carlucci and Mr. Taft with a master plan for C^3 for NATO, to make sure that as we go through these budget decrements, Mr. Chairman, we do not throw the brains out of the window and retain all the muscle and brawn. It is a perennial tradeoff.

But I should also point out that command, control and communications will be increasingly important to NATO because the Soviet trend in their doctrine and their force capability is to go theater. They think of their strategic operations in terms of a theater and assign capabilities, force missions, targeting and so forth on a theaterwide basis. What we have identified in our Competitive Strategies Report, Mr. Chairman, is that the true advantage of the 1990s for NATO in certain key areas will be our ability to acquire and target NATO's opponent, the Warsaw Pact, and then we need to preserve that. And the way you preserve that is not only to make sure you have invested in the right platforms in ordnance, but also for C^3.

So anyway, I will continue.

Given the increasingly austere defense budgets and the escalating cost of military equipment, alliance leaders have increasingly focused their attention on improving NATO conventional defenses through more effective arms cooperation. Crystallizing this concern was the enactment in 1985 of what I think was a landmark decision, Mr. Chairman, the Nunn-Roth-Warner amendment, which for the first time in the history of the alliance provided a legislative and financial framework for arms cooperation, focusing on the areas of forward defense, follow-on forces attack, C^3I, offensive and defensive, counterair and maritime defense. Reinforced by the enabling Quayle amendment, the Nunn-Roth-Warner amendment offers financial incentives to the U.S. services to engage their allied counterparts in cooperative programs, and it stresses four key objectives which must underpin the alliance's arms cooperation objectives in the coming years:

Reducing the cost of research and development programs to U.S. and European services by securing widespread financial participation in new cooperative programs; engaging and directing sustained allied defense investment into priority NATO military requirements; strengthening NATO conventional defenses by accelerating the fielding of capable equipment, and developing interoperability in as many areas as possible; and finally, and this is equally important, fostering widespread trans-Atlantic industrial teaming, the development of shorter management lead times and creation of more effective industrial cooperation procedures.

We have now established an arms cooperation framework for the alliance through the Nunn-Roth-Warner amendment. We have signed 12 MOUs. What we are trying to do now is make sure that industries on both sides of the Atlantic can mesh their industrial management capabilities and make sure that we create the right industrial management structures.

This Nation historically does not have a tradition or a culture or necessarily an aptitude for arms cooperation. I do not say it as a criticism because historically we have relied on our own defense industry and our own internal market. The Europeans, for better or for worse, have been dealing with each other for the last 10 or 15 years. The industrial management structures that they have developed tend to work much better.

One of the things we are trying to do with your amendment, sir, is make sure that we can develop the most effective industrial management structures for the 1990s. It is usually a factor that is easily forgotten in defense cooperation.

I also am very pleased to say, Mr. Chairman, that the amendment has been a spectacular political success. Your name is called in vain, as I am sure Ambassador Keel can testify, certainly once a day in NATO. All the activities of the Conference of National Arms Directors for the last 2 years have revolved, and probably will for the next 10 years to come, around the Nunn-Roth-Warner amendment.

Chairman NUNN. Well, I must say, Mr. Kloske, you played a major role in that because you and Ambassador Abshire really stimulated that whole topic. So you deserve a great deal of credit not only in the implementation, but also in helping foster the overall idea.

Mr. KLOSKE. Well, thank you, Mr. Chairman.

While this amendment will certainly not overcome all national decisions to pursue the development of major weapons systems, which I think will be a key challenge to the alliance in its resource allocation in the 1990s, it does offer a very promising solution to the alliance's requirements to do better with what it has. The real challenge now is to use the amendment and the success and momentum that it has generated to widen the field for a greater number of arms cooperation projects in the coming years. This should be accomplished in a methodical and consistent fashion, and pragmatism and persistence on the part of defense officials on both sides of the Atlantic will be key ingredients to the future success of this initiative.

Now, while the alliance must push harder down the path opened by the Nunn-Roth-Warner amendment, it must also take action to prevent negative trends in the international trade arena from eroding and perhaps even destroying the ability of alliance nations to engage in cooperative programs and to exchange military goods and services on a flexible basis.

As defense budgets remain stagnant or even decline, and as previously ample export markets begin to recede worldwide, there will be greater pressures to protect national defense industries and their market shares from outside competition. The net result—and this is fundamental, Mr. Chairman—the net result will be to splinter the alliance's ability to meet on a collective basis the challenge posed by Soviet military capabilities.

A key factor in determining international trading patterns in the coming years, and we already see these trends taking effect, is the decline of Third World market shares and the increasing competition for shares of this declining market. Defense industries in Europe and in the United States can no longer count on this traditional outlet to take care of excess domestic capacity. The decline in the value of the petrodollar, the austerity and debt which resource-rich and poor nations face in the Third World, the saturation effect of multibillion-dollar equipment purchases which take time to absorb into the national force structure, and the emergence of serious and successful competitors for this market such as Brazil, China, India, Israel, Korea, and Singapore and other nations will make it very tough for defense industries to count on large volumes of exports overseas.

This, coming back to the issue of protectionism, Mr. Chairman, will in turn place growing pressure on certain sectors within domestic defense industries which have traditionally relied on exports for profit and future growth. This is a particularly disturbing trend for our European allies whose defense industries have traditionally relied on exports and have become export dependent. France, for example, exports 60 to 70 percent of its aerospace military capability on an annual basis, to the Third World. The decline of those Third World markets poses very serious questions for the future viability of the French aerospace industry and the rest of the defense ministers and industry ministers in Europe are asking themselves the same question as to what is the viability of their defense industries in the future.

Chairman NUNN. Why is the Third World market shrinking for the French aerospace industry and other aerospace industries? Is that related to Third World debt or are these more prosperous Third World countries just cutting back on their military commitments?

Mr. KLOSKE. They are cutting back on their military commitments because of saturation. They have spent the last 10 years buying billions of dollars worth of military equipment. The OPEC nations which were accustomed in the last 10 years to run surplus accounts are now running deficit accounts, so they are cutting back. For those nations which are not resource-rich, they are facing staggering debt, and most of their export earnings must go to service that staggering debt, and the international private lending community is not about to make billions of dollars of cash available to them until that debt is paid off.

And finally, I think the most interesting, and for them the most disturbing factor which has taken place in the last 5 or 6 years is that such countries as Brazil, Israel, India, Korea, and so forth, have gotten into the export business as well and have done extremely well. Brazil in some ways has pioneered this trend and is at the top of the list, and they have come up with very cost effective, relatively inexpensive equipment which is well marketed and well supported which even poses problems to our own technology.

Those are the trends.

Chairman NUNN. Brazil being the leader in that?

Mr. KLOSKE. Yes, sir.

Chairman NUNN. Who is second?

Mr. KLOSKE. I would say South Korea, Singapore, South Africa. South Africa I would say is second.

Chairman NUNN. Singapore is exporting military equipment?

Mr. KLOSKE. They make some of the best machine guns in the world.

Chairman NUNN. What about South Africa? What are they exporting in the military area?

Mr. KLOSKE. They export very good technology know-how, subsystems. They do very good armored vehicles, howitzers.

Chairman NUNN. What about Israel?

Mr. KLOSKE. Israel is perhaps the premier manufacturer of small weapons capability. They do extremely well in electronics. They do extremely well in certain naval subsystems. And they were hoping somewhere along the line to export the Lavi.

Now, to give you an indication of how important these defense industry issues and their viability have become, you are very familiar with the fact that the Israeli Government's decision to cancel Lavi was a wrenching national decision, traumatic for them, and basically put a whole generation of engineers out of work.

Now, the real issue that we had to discuss with our Israeli friends was should you really be in the aerospace business trying to develop what is the most sophisticated end range of your capability, which is a modern combat aircraft, and the decision was finally no. But it was a wrenching, traumatic issue.

The same thing applies to France, the same thing will apply to the United Kingdom.

Chairman NUNN. You are saying there are a lot of other countries that are going to have to make those kinds of wrenching decisions over the next decade.

Mr. KLOSKE. They will be very expensive decisions, but I think what you will see, Mr. Chairman, is that they will become not so much defense decisions as they will become national decisions. They will become national programs, national programs because the decision will be made that these industries must survive and must remain competitive.

I think they will survive. Whether they are actually competitive or not remains to be seen, particularly if the resource base is declining in Western Europe and the export outlets are not there.

Some of the estimates that have been made, for example, on the French fighter aircraft development costs and the European fighter aircraft costs, I think it is safe to say, are $50 million for the French Rafale per unit and around $50 million to $60 million for the European fighter aircraft per unit. The French buy will be around 350 units; the EFA buy will be around 850 units. Whether that is cost effective or not remains to be seen.

Chairman NUNN. What was the last one?

Mr. KLOSKE. European fighter aircraft, which is a consortium of United Kingdom, West Germany, Italy, and Spain; total buy will be 850 aircraft.

Now, what is interesting to see, Mr. Chairman, is that the total investment that will be allocated by these five countries to develop a new generation of fighter aircraft is around $15 billion, and the total acquisition program is $50 billion, roughly.

Chairman NUNN. For how many units?

Mr. KLOSKE. Eleven hundred units.

Chairman NUNN. What is that figure per aircraft? Is that about the $50 million?

Mr. KLOSKE. $50 million to $60 million.

Chairman NUNN. Theoretically, what could have been done if the United States and our allies who are building those aircraft got together and pooled resources and split the contracts but had one aircraft?

Mr. KLOSKE. Well, we are trying to do that right now, Mr. Chairman. Secretary Weinberger directed the services, both the Air Force and the Navy, last July to reflect and decide on derivative versions of the F-16 and F-15 which would be co-developed on a cooperative basis with our allies.

Chairman NUNN. Is it too late to do that now? Are those other programs too far along, or do you think there is still some hope?

Mr. KLOSKE. I think there is significant interest in Western Europe with what we have to offer.

Chairman NUNN. What is the number of units that would be pooled that you are working with, and what would be the per unit cost compared to the way we are going individually? You can supplement it for the record.

Mr. KLOSKE. Let us just say if we took the F-18, the Hornet 2000, which the French Government has shown interest in, and the EFA consortium has shown some interest in as well, you would double the number of units easily. You would probably bring it up to around 1,900 units both for the U.S. Navy and for the EFA consortium and the Rafale. Because of the economies of scale and the work that we have already done on the Hornet 2000, total investment would be around $3½ billion. Per unit cost would be around $26 million.

Chairman NUNN. Now contrast that; $26 million per aircraft——

Mr. KLOSKE. Yes, sir.

Chairman NUNN. With this pooled approach as opposed to what, $50 million per aircraft?

Mr. KLOSKE. Their aircraft, yes, sir.

Chairman NUNN. Better aircraft?

Mr. KLOSKE. Comparable.

Chairman NUNN. Comparable aircraft, half the cost?

Mr. KLOSKE. Yes, sir. That is the situation we are facing today, Mr. Chairman.

Chairman NUNN. Who are you talking to about it? What countries are involved?

Mr. KLOSKE. The French Government—let me rephrase that, the French Ministry of Defense has shown a keen interest in trying to harmonize our requirements between the Rafale and the F-18, and we understand that we will be briefing the EFA consortium sometime in the near future as to the possibilities and the interest that the Hornet 2000 may have for the European——

Chairman NUNN. Could you build these aircraft in various countries?

Mr. KLOSKE. Yes, sir. You could split the production line both ways.

What is also interesting to see, Mr. Chairman, is that if you could actually end up with a common airplane, both countries—well, both sides, the United States and the Europeans, would not only be able to reduce the costs significantly of developing these fighter aircraft, but would also double their export markets.

Now, the real issue here, Mr. Chairman, is whether we can offer an aircraft derivative cooperative program to our NATO allies that meets their military requirements—we think we can—but offers them significant work share, because what is really at stake here is jobs and the future of their aerospace industry. So they have to make the tradeoff.

We feel that the development that we have done to date with the Hornet 2000 is a very interesting option for them. Whether it can be——

Chairman NUNN. Is the F-18 the only candidate?

Mr. KLOSKE. No. We are now in the midst of very positive discussions with the F-16 nations in Western Europe, the Netherlands, Belgium, Denmark and Norway, to develop a follow-on to the Fighting Falcon which we have termed in the Department of Defense the Agile Falcon.

Chairman NUNN. It sounds to me as if this is worthy of summit discussion.

Do you think there is a possibility of this being discussed with President Reagan's forthcoming summit in NATO, or is this something that is not ripe for that kind of discussion yet?

Mr. KLOSKE. I think the situations are complex and are very tricky, and very controversial.

Chairman NUNN. Too complicated for the head leaders to handle?

Mr. KLOSKE. No. I think what I would like to say is that perhaps they may concentrate on arms control and let the defense ministers work out the aircraft development issues.

Chairman NUNN. I know the details should not be handled at the high level, and no one should expect the leaders of this country or other countries to handle the details, but it seems to me that you are talking about such enormous amounts of money. We see headlines all the time about the cost of a screwdriver or the cost of a hammer. Those are interesting and sometimes depressing stories that have to be dealt with, but you are talking here about the real heart of defense expenditures in this country and in the alliance. You are talking about big, big, big dollars here.

Mr. KLOSKE. Yes, sir, and let me summarize in one sentence as I have described it to Mr. Carlucci several times. What we will be facing in the alliance in the next coming years as we try to develop our resource allocation strategy, in other words, where to put our money that has the highest payoff in terms of meeting our military requirements, is a syndrome of funding not a penny more for ammunition but billions for fighter aircraft. That is the crux of the issue.

I think Secretary Carlucci, Deputy Secretary Taft, and the services need to be congratulated because they have put a lot of effort in trying to develop these high profile, high level, high stake cooperative programs. If we end up misspending $50 billion, Mr. Chairman, we will have to ask the questions, what will remain for infrastructure, spare parts, training, tanks, howitzers, MLRS? What will happen is that the defense budgets will be so skewed, particularly when it gets to the acquisition part, which is extremely expensive, that it is going to squeeze other portions of the defense budgets, both in this country and in Western Europe.

Chairman NUNN. Well, I know you want to finish your statement. Then I will have a couple of other questions.

Mr. KLOSKE. Yes, sir. I am almost done.

Let's see, we were talking about competitive and restricted issues. I think for the future, both the United States and its European allies are going to be facing a very competitive market, and there should be concern that American military equipment, which is usually competitive in international markets as a result of our multibillion-dollar investment in research and development, and the pricing advantages resulting from large production runs, will find it harder and harder to find external markets, not because of competition but because of protectionism.

Moreover, U.S. defense industries will no longer be able to count on off-the-shelf purchases from foreign clients and will have to seek new marketing strategies based on industrial teaming and mixed packages, including co-production, co-development and foreign military sales if they are to retain their market share in the 1990s.

And Mr. Chairman, one of the reasons I have to leave relatively promptly this morning is I will be spending the rest of the week with three or four major companies on the west coast, sitting with their CEOs and their corporate planners trying to figure out what would these new marketing strategies look like because as our defense budget begins to decline, excess capacity will go up in this country, our companies need to find new outlets. What we want to make sure is that we in the Department of Defense can work together with them to help them develop those marketing strategies on a cooperative basis.

These trends in international defense trade have not escaped the attention of Congress, needless to say. In fact, heightened congressional concern about the evolution of our trade deficits and our industrial competitiveness is rapidly spilling into the defense trade arena. The Department of Defense currently faces an array of restrictive legislation in this year's authorization and trade bills. The great danger of this restrictive legislation, Mr. Chairman, is that if passed, it will invite certain retaliation on U.S. defense industries which, incidentally, continue to generate a positive trading account for the United States, one of the few areas.

While U.S. defense industries cannot continue to rely on the extemely favorable trading ratios that existed 20 years ago, they should be able to retain a competitive position in the 1990s if their natural advantages, that is, quality R&D and long production runs, are allowed to play. The Department of Defense is very mindful of the importance of a competitive defense industry and is currently reviewing the status of both its reciprocal trade memoranda of understanding agreements with its allies and its industrial base competitiveness to ensure that U.S. defense industries can remain active in the international trade arena.

Now, while we expect our allies to give our military equipment fair consideration, Mr. Chairman, the United States should pursue the same policy of reciprocity. In short, the Department of Defense should procure foreign goods and services where it meets its military requirements, avoids wasteful duplication of R&D and production, generates U.S. industrial participation and is executed on a competitive basis.

And I would like to add that historically, 85 percent of all foreign purchases executed by the Department of Defense are executed competitively. Domestic allocation of contracts is usually done on a 50-percent basis.

There has been some concern in Congress that we are out there trying to favor our allies and apply sole source contracts. That is not true.

Chairman NUNN. So 50 percent of the domestically awarded——

Mr. KLOSKE. Fifty to 60 percent.

Chairman NUNN. Fifty to 60 percent are competitive, and 85 percent are when we award them abroad.

Mr. KLOSKE. Yes, sir, marginal difference there.

Reciprocity, however, is also a two-way street, and in the current DOD review of our trading agreements, we will seek to establish reciprocity as one of the fundamental requirements for future trade agreements.

The alliance must deal very prudently with these highly sensitive and politicized defense trade issues and not allow them to spill over into our common commitment to improve NATO's conventional defenses. Protectionism in defense trade can only have a corrosive effect on defense cooperation, Mr. Chairman. As unlikely as this possibility may be in the coming years, a defense trade war between the United States and its allies would only provide our adversaries with a great strategic advantage, and I would go as far as saying it would be a calamity for the alliance because you cannot deal with future defense modernization needs when you are having a defense trade war, where everybody is at each other's throats and going in their separate directions.

As defense budgets tighten in the post-INF period, the alliance has no choice but to make better use of its technological and financial resources if it is to meet its modernization requirements. In the past, national political and industrial concerns have made it very difficult for NATO to marshal its superior capabilities on an alliance-wide basis. Mounting pressure to protect highly visible defense industries on both sides of the Atlantic will not make this task any easier. Nevertheless, our recent successes in the defense cooperation arena, combined with strong political will throughout the alliance, represent a breakthrough that we can build on at a measured pace.

The conceptual military framework, competitive strategies, the Nunn-Roth-Warner and Quayle amendments provide a strong framework for a resources strategy that will guide, should guide, must guide the alliance's investment decisions in the coming years. All that is needed now, Mr. Chairman, is leadership, a few priorities, a respect for timetables and commitments, and above all, perseverence.

Thank you.

[The prepared statement of Mr. Kloske follows:]

STATEMENT BY

DENNIS E. KLOSKE

TRADE AND DEFENSE COOPERATION ADVOCATE
DEPARTMENT OF DEFENSE

Good morning Mr. Chairman, and Members of the Committee.

I am very pleased to appear before you today to discuss the critical link between affordable conventional defenses for NATO and effective transatlantic armaments cooperation.

This Committee is focusing part of its hearings on the future of NATO, its strategy, and its defense posture in the post-INF period. While there will be much heated debate about the adequacy of NATO's strategy and the required levels of nuclear and conventional modernization, we must also focus on the crucial and tough issue of the Alliance's financial and technological resources--how they will be invested, based on what timetables and priorities, and how the costs and risks will be shared. This is a major challenge for the Alliance, for its past record on this resources issue has been mixed, at best, while the future presents a daunting picture.

There is mounting concern throughout the Atlantic Alliance that the US and its European Allies are facing serious problems in matching the relentless pace of Soviet conventional force modernization. Since the early 1970's, the Soviet Union has introduced new generations of fighter aircraft, tanks, armored personnel carriers, self-propelled howitzers and anti-tank weapons. The comprehensive modernization of Soviet conventional forces has been accompanied by the development of new tactics exploiting Soviet firepower and mobility to collapse NATO forward defenses in a matter of days.

Despite real growth expenditures in defense equaling the Soviet military investment, and despite the West's much vaunted lead in military technology, NATO has been unable to match the pace of Soviet modernization in the last decade. And while the force balance ratios between NATO and the Warsaw Pact have remained relatively stable as a result of the Alliance's multi-billion dollar modernization effort, these ratios may worsen in the coming years as austerity budgets begin to take hold throughout the Alliance.

The conclusion of an agreement between the United States and the Soviet Union to remove intermediate range nuclear forces from the European continent will make strengthening NATO conventional defenses a priority issue on two fronts--for discussions between the United States and its European allies, and between the Administration and Congress.

But slow growth economies, stagnating defense budgets, and complacent public opinion will severely restrict the ability of Alliance nations to make greater and costly investments in NATO's conventional defense. Thus, the Alliance will have little choice but to do better with the defense resources already in hand and to develop an affordable NATO conventional defense improvement strategy that will eliminate glaring deficiencies by reestablishing priorities and reallocating existing resources.

Very useful work has already been accomplished to guide this improvement strategy. The Conceptual Military Framework prepared by SHAPE Headquarters projects the Warsaw Pact threat into the 1990s and beyond and provides an excellent roadmap to meet NATO military requirements. NATO Defense Ministers have already identified and agreed on key military deficiencies. NATO planners in Brussels are now reviewing the possibility of establishing guidance and planning links between NATO military requirements and the future development of military equipment. The recently completed DoD report on Competitive Strategies for NATO also offers a promising framework to concentrate missions and technologies on key areas of Soviet weaknesses. The technologies and systems identified in the report lend themselves to transatlantic cooperation on an accelerated basis. (See Attachment A)

The challenge will be how to design a collective investment strategy for our superior financial and technological resources guided by *NATO* military requirements rather than by narrow national priorities.

Success will hinge on NATO's ability to establish a flexible and resilient transatlantic framework that provides for effective armaments cooperation and encourages a free flow of military goods and services. Without this framework, the Alliance will continue to waste resources at a time when it can ill afford to do so, will lose ground to the Warsaw Pact after a decade of marked improvement, and will demoralize a public opinion that is already very sensitive to the high cost of defense.

The fundamental factor accounting for NATO's modest return on its annual multi-billion dollar defense investment is the high cost of military research and development and production resulting from the low and inefficient level of transatlantic armaments cooperation. The proliferation of national defense industries in the last 15 years has resulted in the wasteful duplication of research and development and production leading to the deployment of similar weapons systems in limited numbers throughout the Alliance. At the same time, each NATO nation is still largely responsible for its own C^3I and logistics support, which adds significantly to the cost of meeting combat support requirements and erodes the capabilities of NATO field commanders to employ their resources on an effective coalition basis.

Additionally, national research and development programs (which, more often than not, tend to re-invent the wheel) and smaller production runs have led to loss of economies of scale and increasingly expensive weapons systems. The development of new and sophisticated technologies will certainly add to the cost of future weapons systems as long as these programs are implemented on a national basis. The steadily decreasing volume of newly fielded equipment is also beginning to raise serious questions about the wisdom of relying on expensive quality to defeat quantity.

Furthermore, the persistent lack of standardization and interoperability in NATO's armies imposes a very heavy penalty on the Alliance's ability to execute a coalition strategy. The absence of a common identification friend-from-foe system could easily lead to the destruction of significant numbers of NATO aircraft by NATO's air defenses. NATO armies also face serious problems in utilizing different makes of ammunition, fuel, and spare parts. Persistent deficiencies in a common communications capability between NATO forces could well prove devastating to our ability to defend, reinforce, and maneuver effectively in wartime.

Given increasingly austere defense budgets and the escalating cost of military equipment, Alliance leaders have increasingly focused their attention on improving NATO conventional defenses through more effective arms cooperation. Crystallizing this concern was the enactment in 1985 of the Nunn-Roth-Warner Amendment which, for the first time in the history of the Alliance, provided a legislative and financial framework for armaments cooperation focusing on the areas of forward defense, follow-on forces attack, C^3I, offensive and defensive counterair, and maritime defense. Reinforced by the enabling Quayle Amendment, the Nunn-Roth-Warner Amendment offers financial incentives to the US Services to engage their allied counterparts in cooperative programs, and it stresses four key objectives which must underpin the Alliance's arms cooperation objectives in the coming years:

- Reducing the cost of research and development programs to US and European Services by securing widespread financial participation in new cooperative programs;

- Engaging and directing sustained Allied defense investment into priority NATO military requirements;

- Strengthening NATO conventional defenses by accelerating the fielding of capable equipment, and developing interoperability in as many areas as possible;

- Fostering widespread transatlantic industrial teaming, the development of shorter management lead times, and creation of more effective industrial cooperation procedures.

The Amendment has been a spectacular political success since its inception, and has generated the signature of 12 research and development agreements in record time. (See Attachment B) While the Nunn-Roth-Warner Amendment certainly will not overcome all national decisions to pursue the development of major weapons systems, it offers a very promising solution to the Alliance's requirement to do better with what it has. The real challenge now is to use the Amendment, and the success and momentum that it has generated, to gradually widen the field for a greater number of arms cooperation projects in the coming years. This should be accomplished in a methodical and consistent fashion, and pragmatism and persistence on the part of defense officials on both sides of the Atlantic will be the key ingredients in the future success of this initiative.

While the Alliance must push harder down the path opened by the Nunn-Roth-Warner Amendment, it must also take action to prevent negative trends in the international trade arena from eroding, and perhaps even destroying, the ability of Alliance nations to engage in cooperative programs and to exchange military goods and services on a flexible basis.

As defense budgets remain stagnant or even decline, and as previously ample export markets begin to recede, there will be greater pressures to protect national defense industries and their market shares from outside competition. The net result will be to splinter the Alliance's ability to meet, on a collective basis, the challenge posed by Soviet military capabilities.

A key factor in determining international trading patterns in the coming years is the decline in the Third World export market and the increasing competition for shares of this declining market. Defense industries in Europe and in the United States can no longer count on this traditional outlet to take care of excess domestic capacity. The decline in the value of the petrodollar, the austerity and debt which resource-rich and -poor nations face in the Third World, the saturation effect of multi-billion dollar equipment purchases which take time to absorb into the national force structure, and the emergence of serious and successful competitors for this market such as Brazil, China, India, Israel, and other nations, will make it very tough for defense industries to count on large volumes of exports overseas.

This will, in turn, place growing pressure on certain sectors within domestic defense industries, which have traditionally relied on exports for profit and future growth. This is a particularly disturbing trend for our European Allies, whose defense industries traditionally have been export-dependent. The future growth of these defense industries will be at the top of the domestic political agenda, particularly as they involve such key items as jobs, exports, and currency exchange, technological spin-offs, and national prestige. There will be growing pressure to make investments in military research and development based on these concerns, and a tendency to relegate *military* requirements to a secondary level.

The United States needs to address these international trends as well. The imminent decline of the defense budget is bound to reduce the activity in our defense industry and will force US firms to seek exports as a means of maintaining healthy economic activity. They will face, however, a far more competitive environment, both in the NATO defense market and in the Third World. There should be concern that American military equipment, which is usually competitive in international markets as a result of our multi-billion dollar investment in research and development, and the pricing advantages resulting from large production runs, will find it harder and harder to find external markets, not because of competition, but because of protectionism. Moreover, US defense industries will no longer be able to count on off-the-shelf purchases from foreign clients and will have to seek new marketing strategies based on industrial teaming and mixed packages including co-production, co-development, and foreign military sales if they are to retain their market share in the 1990s.

These trends in international defense trade have not escaped the attention of Congress. In fact, heightened Congressional concern about the evolution of our trade deficits and our industrial competitiveness is rapidly spilling into the defense trade arena. The Department of Defense currently faces an array of restrictive legislation in this year's authorization and trade bills. The great danger of this restrictive legislation is that, if passed, it will invite certain retaliation on US defense industries, which continue to generate a positive trading account for the United States. While US defense industries cannot continue to rely on the extremely favorable trading ratios that existed 20 years ago, they should be able to retain a competitive position in the 1990s if its natural advantages (quality R&D and long production runs) are allowed to play. The Department of Defense is very mindful of the importance of a competitive defense industry and is currently reviewing the status of both its reciprocal trade MOU agreements and industrial base competitiveness to ensure that US defense industries can remain active in the international trade arena.

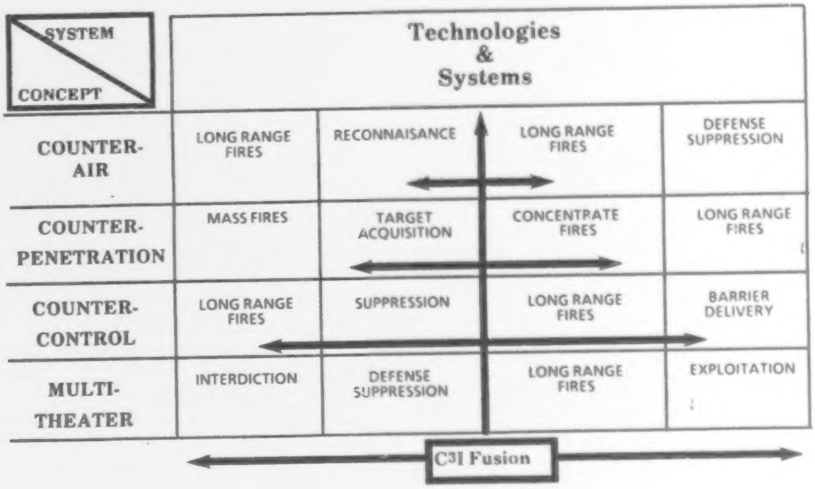
While we expect our Allies to give our military equipment fair consideration, the United States should pursue the same policy of reciprocity. In short, the Department of Defense should procure foreign goods and services when it meets United States military requirements, avoids wasteful duplication of R&D and production, generates US industrial participation, and is executed on a competitive basis. This has been the policy of the Department in the past and this should be the policy of the Department in the future. Reciprocity, however, is also a two-way street---and, in the current DoD review of our trading agreements, we will seek to establish reciprocity as one of the fundamental requirements for future trade agreements.

The Alliance must deal prudently with these highly sensitive and politicized defense trade issues, and not allow them to spill over into our common commitment to improve NATO 's conventional defenses. Protectionism in defense trade can only have a corrosive effect on defense cooperation, and, as unlikely as this possibility may be, a defense trade war between the United States and its allies at this juncture would only provide our adversaries with a great strategic advantage .

As defense budgets tighten in the post-INF period, the Alliance has no choice but to make better use of technological and financial resources if it is to meet its modernization requirements. In the past, national political and industrial concerns have made it difficult for NATO to marshall its superior capabilities on an Alliance-wide basis. Mounting pressure to protect highly visible defense industries on both sides of the Atlantic will not make this task any easier. Nevertheless, our recent successes in the defense cooperation arena, combined with strong political will throughout the Alliance, represent a breakthrough that can be built on at a measured pace. The Conceptual Military Framework, Competitive Strategies, and the Nunn-Roth-Warner and Quayle Amendments, provide a strong framework for a resource strategy that will guide the Alliance's investment decisions in the coming years. All that is needed now is leadership, a few priorities, a respect for timetables and commitments, and, above all, perseverence.

Attachment A

APPLICATION FRAMEWORK FOR COMPETITIVE CONCEPTS AND WEAPONS SYSTEMS



SYSTEM CONCEPT	Technologies & Systems			
COUNTER-AIR	LONG RANGE FIRES	RECONNAISANCE	LONG RANGE FIRES	DEFENSE SUPPRESSION
COUNTER-PENETRATION	MASS FIRES	TARGET ACQUISITION	CONCENTRATE FIRES	LONG RANGE FIRES
COUNTER-CONTROL	LONG RANGE FIRES	SUPPRESSION	LONG RANGE FIRES	BARRIER DELIVERY
MULTI-THEATER	INTERDICTION	DEFENSE SUPPRESSION	LONG RANGE FIRES	EXPLOITATION

Attachment B

NUNN AMENDMENT PROJECTS: MOUs SIGNED IN 1986

	PARTICIPANTS US	CA	UK	FR	GE	BE	NE	DA	NO	GR	SP	IT	PO	TU
• ADA PROJECT SUPPORT ENVIRONMENTS	X	X	X	X	X		X	X	X			X		
• MULTIFUNCTIONAL INFORMATION DISTRIBUTION SYSTEM (MIDS)	X	X	X	X	X				X		X	X		
• STANDOFF AIRBORNE RADAR DEMONSTRATION SYSTEM (ARDS)	X		X	X										
• ADVANCED SHORT TAKEOFF AND VERTICAL LANDING TECHNOLOGY	X		X											
• ENHANCED FIGHTER MANEUVERABILITY	X				X									
• ADVANCED SEA MINE	X		X											

NUNN AMENDMENT PROJECTS: MOUs SIGNED IN 1987

	PARTICIPANTS US	CA	UK	FR	GE	BE	NL	DA	NO	GR	SP	IT	PO	TU
• HAWK MOBILITY ENHANCEMENT	X						X							
• NATO ANTI-AIR WARFARE SYSTEM	X	X	X		X		X				X			
• 155MM AUTONOMOUS PRECISION GUIDED MUNITION	X	X		X	X		X				X	X		X
• MODULAR STANDOFF WEAPONS (MSOW)	X	X	X	X	X						X	X		
• NATO IDENTIFICATION SYSTEM (NIS)														
- CO-DEVELOPMENT	X		X	X	X							X		
- INFORMATION EXCHANGE	X	X	X	X	X	X		X		X*	X	X		X

*GREECE REQUEST FOR ADMISSION IS UNDER REVIEW BY ORIGINAL PARTICIPANTS.

NUNN AMENDMENT PROJECTS: MOUs SIGNED IN 1988

	PARTICIPANTS													
	US	CA	UK	FR	GE	BE	NE	DA	NO	GR	SP	IT	PO	TU
• NATO FRIGATE REPLACEMENT--1990'S	X	X	X	X	X		X				X	X		

FY 86-87 NATO COOPERATIVE R&D

ALLIED CONTRIBUTIONS

- SIGNIFICANT ALLIED INVOLVEMENT IDENTIFIED IN MOUs
- TOTAL PROJECTED RDT&E FUNDING SHARES FOR NUNN PROGRAMS WITH SIGNED MOUs

U.S. = $1025.3M (28%)
ALLIED = $2649.0M (72%)

Chairman NUNN. Thank you, Mr. Kloske.

I think your job is one of the most important in our Defense Department. I think that the areas you are talking about represent the main goals for the alliance in the post-INF period. They should be to strengthen our conventional capabilities, to give us some leverage in the all-important conventional arms control arena, to begin to be able to handle the reduction in defense spending not just in this country, but around the whole alliance in a way that does not jeopardize our security. In fact, we can improve security while restraining budgets, and I think it offers a hope for the NATO alliance. I do agree that more than anything else, it is going to require political will.

I think you all have done a good job of laying the groundwork. I congratulate Secretary Carlucci and Secretary Weinberger for emphasizing this. But it is going to take a very high level of political commitment both by the President of the United States, Secretary of Defense, Secretary of State, Secretary of Treasury, and the Congress.

Mr. KLOSKE. Yes, sir.

Chairman NUNN. It is going to take all of those.

So I congratulate you.

I have just about three questions, and then I will turn to my colleagues.

Could you explain these charts at the back of your testimony regarding the R&D cooperative programs?

Mr. KLOSKE. Yes, sir.

Well, what you will find in the back of my testimony is attachment A and attachment B. Attachment A is an unclassified matrix which basically summarizes in one page the 154-page Competitive Strategies Report that we submitted to Mr. Weinberger and which has been adopted and endorsed by Secretary Carlucci.

You will also be happy to know, Mr. Chairman, that we are not all talk. The Competitive Strategies Council, which is chaired by Mr. Carlucci and brings together all the service Secretaries, the Chiefs and the key principals in the building, endorsed the report this last Friday and have proceeded into an implementation phase. The implementation phase will be broken down into three areas: one, identification of key weapons systems and technologies which support the competitive strategies concept as it is applied to NATO; the acquisition community is now in the midst of selecting these technologies. Second, Mr. Carlucci has provided programmatic guidance to the Department of Defense and the military departments specifically, requesting of them that all technologies and capabilities which have been identified in the report be protected in the service POMs as we go through our budgetary process. So that is the first part of the implementation phase which is now taking place.

Third, we intend to spend 4 months, approximately, in doing a simulation exercise to make sure that the concepts, the missions and technologies that have been identified in the report can be validated and supported in the early 1990s. Following the simulation, we will do a sizing and costing assessment and, as appropriate, begin to translate those recommendations directly into the POM.

Now, the matrix that you see there, Mr. Chairman, a series of concepts, counterair, counterpenetration, countercontrol and multitheater, which have been identified as competitive areas for exploitation. As you go across, on the right hand side you see key aspects of those missions which have to be executed, that will be executed by technologies and systems which have already been identified but which unfortunately at this stage remain classified, and you will see that the tree that anchors this whole kind of capability is C^3I, command, control, communications and intelligence.

Now, this matrix, Mr. Chairman, should be a matrix for NATO arms cooperation on a priority and competitive basis for the 1990s. The technologies and systems which have already been identified on a first cut by the acquisition community, lend themselves to trans-Atlantic arms cooperation.

Chairman NUNN. Let's go ahead. You have been explaining attachment A.

Mr. KLOSKE. Let's go on to attachment B.

Chairman NUNN. I would like for you to take each one of these programs and just tell us briefly what the program is, what is the military goal of the program, and what countries are participating.

Mr. KLOSKE. Okay.

The first project is the ADA project support environments. What we are trying to do here is develop a common military software for certain key aspects of NATO's microprocessing capability or processing capability in terms of computers. One of the key problems that we have in NATO is that everybody has their own computer. As a matter of fact, in my office I have six different computers which cannot even talk to each other. So it is not a problem that is endemic to NATO. I think it is endemic to all of us.

What we are trying to do is ensure that as we develop common processing capabilities in the areas of computers in command, control and communications, that we develop a common language so there is interoperability there.

Chairman NUNN. Why do you not give it a name that describes it instead of ADA project support environments?

Mr. KLOSKE. Well, this is basically an internal use document for Department of Defense weenies who understand their own language. I guess we should be more mindful of developing——

Chairman NUNN. You know, one thing we learn around here the first year you are in the legislative process is whatever your bill contains, give it a good title if you are going to have any chance of getting it passed.

Mr. KLOSKE. Yes, sir.

Chairman NUNN. It seems to me that——

Mr. KLOSKE. Well, Mr. Chairman, if you will allow me to say, that is why we call your amendment the Nunn amendment. Everybody understands it. [Laughter.]

Chairman NUNN. Once you tell them it is not the one to withdraw troops from Europe, they understand it.

Mr. KLOSKE. No, no, no.

So the second one, multifunctional information distribution system, that is a follow-on to the JTIDS——

Chairman NUNN. JTIDS being what, for people who do not know?

Mr. KLOSKE. Basically they are black boxes which allow aircraft to communicate with each other on a very quick and secure basis. What we want to make sure is that in the 1990s, as we have hundreds if not thousands of aircraft flying around the NATO-Warsaw Pact environment, that all NATO aircraft can communicate tactical information to each other in a digitalized fashion, in a secure fashion, and do it very quickly.

Chairman NUNN. So this is a program to allow aircraft to communicate with each other in an efficient and effective way.

Mr. KLOSKE. Yes, sir.

Chairman NUNN. Across countries.

Mr. KLOSKE. Yes, sir. You can see the various nations that have signed up to the program. Once we get the black box and install it into the platform, if the pilots want to use it, they can communicate with each other by activating the switches.

Chairman NUNN. Okay, you have got eight countries participating in that?

Mr. KLOSKE. Yes, sir.

The next one, what we are trying to do here is share and exchange information with the United Kingdom and France on a Joint STARS kind of capability so they know what Joint STARS can do, so we know what their Joint STARS kind of capability can do as well.

Chairman NUNN. Joint STARS being what in just plain English?

Mr. KLOSKE. Basically, in plain English, it is the kind of radar that allows you to see between 150 and 200 kilometers into the enemy's rear so you can detect aircraft movement, but more importantly, troop and tank movement on the ground.

Chairman NUNN. So it is a radar surveillance capability?

Mr. KLOSKE. Yes, sir, it is a radar surveillance kind of capability. The French are developing some of their capabilities, so are the British. We are trying to refine ours.

At a minimum, what we are trying to do is make sure that if there are actually three kinds of capabilities in the NATO theater, that they can all interoperate, so we all have the same data links that can be used. And that has turned out quite well.

The advanced short takeoff and vertical landing technology, that is VSTOL are the engines that go on the Harriers. What we are trying to do is develop a successor generation engine for that kind of airplane, and I think it is of dramatic importance because increasingly, particularly in the European theater, the ability of air forces to take off on long runways will be severely limited as we go along, and if you cannot take off on a 1,000 yard runway you can sort of levitate thanks to VSTOL. That is the wave of the future. That is a very important program.

The enhanced fighter maneuverability program between us and the West Germans is designed basically to do a technology demonstrator exercise on how we can develop more maneuverability at supersonic speeds for our next generation aircraft.

The advanced sea mines. As our Navy discovered in the Persian Gulf, sea mines do matter, sea mines do have strategic implications, and I am delighted to say that our Navy has signed up with the British Navy to pursue an advanced and sophisticated sea mine kind of capability.

Incidentally, Mr. Chairman, if I can just point out, in our Competitive Strategies Report, one of the systems and capabilities that emerged as having multiple payoffs happened to be those very boring mines. Mines at all levels have a tremendous significant payoff when exercised right, so I am glad to say that at least the Navy is doing it here.

HAWK mobility enhancement. We are working with the Netherlands Government, trying to reduce the logistical tail on our HAWK batteries. Hawk batteries, when they need to move around, require tens and tens of vehicles. They are very heavy, very cumbersome to move around. We are just trying to narrow down the logistical tail for that.

The NATO anti-air warfare system is the next generation close-in combat system that will hopefully go on the NATO frigate, and it is designed to provide a sophisticated capability to shoot down aircraft, but more importantly, missiles.

The 155 autonomous precision guided munition is basically supposed to be a fire and forget brilliant munition. You fire it, it has an automatic seeker warhead, it targets a tank, on artillery, brigade or whatever, and hopefully will destroy it. But it is supposed to be a new generation. It is a very ambitious project.

Modular standoff weapons are basically supposed to provide a standoff missile to all NATO aircraft participating in this project. Standoff is a very important kind of capability. We need to make sure that we do not send our platforms into the teeth of various——

Chairman NUNN. Is this air-launched or——

Mr. KLOSKE. It is air-launched, yes, sir.

Chairman NUNN. Is this nuclear or conventional?

Mr. KLOSKE. No, no, it is conventional.

Chairman NUNN. It is conventional.

Mr. KLOSKE. But again, it is a force multiplier kind of capability, Mr. Chairman, because what we are trying to do is conserve our platforms and use our technologies to target Soviet capabilities at a longer range.

This is the wave of the future. The idea of using platforms to go out and execute counterair operations in the teeth of the densest, thickest air defense installations anywhere in the world may turn out to be not only suicide, but devastatingly costly to all NATO air forces. So instead of just flying a platform over the target, we are trying to develop stand-off capabilities. You can still use your airplane, but you can acquire and target anywhere between 50 to 200 kilometers.

NATO has a highly competitive technological capability in this area which increasingly is giving Soviet planners fits and starts.

That deals more with the classified portion of our Competitive Strategies Report.

NATO defense ministers, Mr. Chairman, in 1985 identified the NATO identification system as one of the key critical deficiencies in NATO historically and today, hopefully, we will take care of it. Basically what we are trying to do here is provide a black box for all NATO aircraft so they can identify friend from foe.

There are some estimates floating around in the air defense community that without a capable NATO identification system, NATO will probably end up shooting down 30 to 40 percent of its own aircraft in wartime.

Chairman NUNN. That usually shows up in the war games. We shoot down more of our own aircraft than we lose to enemy fire, is that not right?

Mr. KLOSKE. Right, and the Soviets have the same problem, incidentally. But we can ill-afford to lose our aircraft.

Fifty percent of our mobile fire power is tied up in NATO aircraft.

Incidentally, if I could just sort of deviate for a moment into the area of arms control, this is one of the reasons that Soviet planners have put that asymmetrical kind of tradeoff, we will trade off a tank division for your tactical aircraft. Tactical aircraft give Soviet planners fits and starts. When you put standoff weapons on them, it really makes them hustle.

And finally, NATO frigate replacement, probably the most ambitious cooperative naval project in the history of the alliance. It is designed to provide a new generation of frigates to the nations.

Chairman NUNN. Let's turn over to that last chart, and then I want to turn to my colleagues, but I do want to go through these charts because I think these are enormously important.

Tell us about the last chart.

I know Senator Glenn is going to be interested in this because he continually raises the point about what percentage are we going to pay for. That was something we wanted to leave flexible.

I remember Senator Glenn and I had several discussions about leaving it flexible, putting great confidence in our own defense officials, notably you, Mr. Kloske, that we would end up having an equitable sharing arrangement.

So I am particularly interested in how this one is coming.

Mr. KLOSKE. Well, let me just say as a means of introduction that this is the future of burdensharing. This is the way that we should be going.

What do I mean by that? I mean that the United States services and our NATO European service counterparts get together, identify the common military requirement. Then we bring our money to the table, they bring their money to the table, we bring our technologies to the table, they bring their technologies to the table, and we share the costs and risks and burdens of developing a cooperative program.

What you see to date here is that this is the best investment that the U.S. taxpayer can make and has made in the last 2 years, and hopefully in the future. We are basically paying 40 cents on the dollar to develop common NATO military requirements and capabilities for the alliance. Instead of paying 100 percent, we are paying 40 cents on the dollar.

Chairman NUNN. This chart shows 28 cents on the dollar.

Mr. KLOSKE. I think as you factor in all the programs, and as we go into the various full scale development programs, the costs will probably be approximately 40 to 60 percent. So far, in the last 18 months, the trend has been 30–50, but I would suspect it will probably go up higher, 40–60. That is the range.

Chairman NUNN. Well, that is very encouraging.

I have one other question, and then I will defer. A lot of research programs, by their very nature, end up not being viable programs. The purpose of research and development is to determine what is viable, what is an effective program, and what is cost effective before you get into production.

When you get programs that are done jointly with other nations participating, what mechanism do we have in advance to ensure that we do not get locked in to bad programs?

How do we kill the dogs when we are doing it jointly and collectively and you have got national pride involved?

Mr. KLOSKE. You shoot them gracefully.

Chairman NUNN. Who is going to do that?

Mr. KLOSKE. We all should.

The important thing, and I think this is one of the great virtues of the Nunn-Roth-Warner amendment, is that we have the military community itself sponsoring the arms cooperation projects, and avoid as much as possible having civilians, and in our case, OSD, impose cooperative programs because they are nice to do or for other political reasons. We want to encourage and provide incentives to our services, particularly in a fiscally austere environment, to go out and identify joint military requirements.

Now, we have a series of review mechanisms in the Department of Defense. I happen to chair one of them, which is the Arms Cooperation Working Group which meets on a biweekly basis. We keep track of all the major arms cooperation programs, we stay in touch with the program managers and make sure that they are going according to schedule.

Now, arms cooperation, Mr. Chairman, is probably the most difficult thing you can do in NATO, aside from negotiating an arms control treaty. It does not happen in a vacuum, and it is most of the time like pushing a wet noodle. The fact that we have gotten this far I think is really remarkable, certainly historical for the pace of progress.

The only aspect that concerns me regarding these cooperative programs to date, is that because they all meet NATO military requirements, it really does not matter whether the present project falls apart and dies; the fact that we have identified pressing requirements in all these areas will mean that sooner or later an industrial consortium will be re-pieced together and will try and address that military requirement.

The important thing is to make sure that we have viable industrial management structures. You have to remember that when you have more than one nation, and certainly up to four or five, you have nations that bring engineers who may have first the language problem, different procurement procedures, different contracting procedures, different foreign exchange problems and differentials, and when you try to factor in military requirements from five different nations and turn that into a common widget, that is a diabolically difficult task to do.

We have also told our allies that we have to be up front and honest with each other. Some programs work and some do not.

What the allies like to hear from us is when we say that up front and not when we cancel a program when we are into the third year of advanced full scale development. That is where it really hurts, and that is where it is very difficult to shoot the dog gracefully. As a matter of fact, it usually generates a tremendous amount of heartache and political controversy.

Chairman NUNN. Senator Warner.

Senator WARNER. Thank you, Mr. Chairman.

The words competitive strategies now are catching on and have a good deal of interest.

I would like to run a side-by-side comparison between competitive strategies and what we used to do in the defense world, just system analysis.

How would you compare the two? What are the differences?

Mr. KLOSKE. Well, I would say that the great merit of competitive strategies as we have defined it is common sense, Senator, and what do I mean by that?

The competitive strategies——

Senator WARNER. I think the predecessors in system analysis in the Department of Defense would love to hear that one.

Mr. KLOSKE. I am sure they would have.

Senator WARNER. There was always a feeling on the part of service Secretaries that they did lack a lot of common sense, and now you have confirmed it.

Mr. KLOSKE. Well, I would venture to say that common sense is a scarce commodity, right up there with political will, Mr. Warner, in this alliance, perhaps a very scarce commodity.

Chairman NUNN. Does that include through the Secretary level?

Mr. KLOSKE. I would not venture to comment on that, Mr. Chairman, although you can see the thrust of my answer.

What we are trying to do with competitive strategies is apply a common sense notion which is almost right up there with motherhood which says if you are going to be engaged in a long term competition and rivalry with an adversary such as the Soviet Union which may take place over a generation, what you want to do is not pit your strength against his strength; what you want to do is to identify his weaknesses, identify your strengths, and correlate those over an enduring basis.

What we have done in the last 6 months is to identify within the NATO arena those key Soviet weaknesses which we can exploit, and we have identified comparable U.S. and hopefully NATO competitive advantages that we can exploit on an enduring basis.

Regarding the relationship with systems analysis, we want to sit down and figure out what the tradeoffs are and do so in an intelligent fashion. But I think competitive strategies as a philosophy should be a philosophy that should be orienting our strategy, our doctrine, and our resource allocation globally in our long term competition with the Soviet Union.

So from that point of view, Senator, it has a significant difference.

Systems analysis allows us to make tradeoffs between systems in terms of cost effectiveness.

Senator WARNER. I have got that.

Have we, in your judgment, adequately coordinated these competitive strategies with our NATO allies?

Mr. KLOSKE. What we have done to date, Senator, is do an inhouse study which I submitted to Mr. Weinberger. Incidentally, the day I submitted that study to Mr. Weinberger, he resigned. I have not been able to figure out yet if there was a causal relationship one way or the other. I do not think so.

But it was accepted by Mr. Carlucci in the early weeks of January, and what we are right now doing is refining the product, identifying those systems and capabilities that can support competitive strategies, and then what we would like to do is share it with our allies so we can seek their counsel, their recommendations and their inputs.

A U.S.-only competitive strategies approach to NATO is basically self-defeating. What we want to do is make sure that this is a NATO capability alliancewide.

Chairman Nunn. Dr. Keel, you are right on the front line on this issue. Why do you not give us your observations.

Ambassador Keel. I simply want to in fact reinforce what Mr. Kloske has said. The answer to your question is no, Senator. The allies have not been briefed yet. In fact, the classified report is NOFORN, which means it cannot be in fact yet shared with our allies.

This is basically an internal report of the Department of Defense in the form of recommendations, and as Mr. Kloske has just indicated, is still being refined inside the administration.

It goes, though, much beyond what the emphasis has been this morning on weapons systems or even technologies intended, based on the Competitive Strategies Task Force report, which Mr. Kloske's report draws from, to involve doctrine, operational concepts and in fact military tactics as well. So it is not intended just to address technologies.

But in focusing on the areas of technologies, I would hope not to get this confused in discussion this morning with something more than it is. It is a good attempt to continue to refine our own thinking first, ultimately to share with our allies in terms of how best we take account of our advantages and in fact the threat's vulnerabilities, principally the Soviet Union and the Warsaw Pact, and how we translate them into doctrine, operational concept, organizational structures, technologies and weapons.

It is not a new planning system. That is not what it is. We have, which I will ultimately testify on this morning, in place a planning system which we are intending to improve on, and this is intended to complement that.

Senator Warner. Let me slip in just another query to both of you, if you wish to take it.

With respect to the doctrine of competitive strategies and how it is evolving, what should we do now in the short term, with respect to our war plans, our research and development, and our procurement? How soon should we expect to have an effect?

Mr. Kloske. Well, we have already had an impact, Senator. I mentioned to the chairman earlier that this last Friday in the Competitive Strategies Council, which is chaired by Secretary Carlucci and meets at the plenary level with all the service chiefs and the service Secretaries and the Under Secretaries, Mr. Carlucci provided programmatic guidance to the Department in the sense of requesting that all the military departments preserve in their POMs and in their budgets, as we go through the budgetary process, those key systems and capabilities and technologies which have been identified in the report.

Our next step will be to do a simulation exercise in the Department of Defense, with a whole series of extras, to make sure that the concepts and recommendations have been fully validated. We expect that to take between 3 to 4 months, and at that stage we will begin, if the process has been validated, to translate the recommendations in terms of doctrine and technologies into the budgetary process itself.

Senator WARNER. Is it too early to say we might have a potentially winning competitive strategy?

Mr. KLOSKE. Competitive strategy, by definition, Senator, is a winning strategy.

Senator WARNER. That is a good short answer. I will conclude on that.

Thank you very much.

Chairman NUNN. Thank you, Senator Warner.

Mr. KLOSKE. May I just make one observation, Mr. Chairman?

Chairman NUNN. Yes.

Mr. KLOSKE. I wish to stress here that the concept of competitive strategies is a global enduring concept which should orient all aspects of our national defense strategy, doctrine, tactics, weapons system procurement. It is not necessarily restricted to the NATO theater. The reason the task force was charged with looking at NATO was for the two arguments that I made to Secretary Weinberger, one, that we will have an enduring commitment to the NATO alliance in coming years, irrespective of the levels of commitment or the nature of commitment. That commitment will be enduring. So there is already a very significant data base, commonality and understanding of what the relationship between NATO and Warsaw Pact is, so it was easier for this task force to get its hands around.

And second, my recommendation to Secretary Weinberger last June was that if our negotiators were successful in reaching an agreement with our Soviet friends in the area of INF, that we would certainly be put to the question what would the future of NATO conventional defense modernization requirements look like. So that provided a timely opportunity to marry up this task force with our NATO requirements. But it is not restricted to NATO. It is a global concept.

Chairman NUNN. Let me make this suggestion since Mr. Kloske has to catch a plane. I interrupted Mr. Kloske as he went through his statement because I was the only one present at the time. I would prefer, if all members agree, to proceed with Ambassador Keel's statement, and then we will have a chance to question both of them.

Mr. Kloske, if you leave at 11:30, does that give you enough time?

Mr. KLOSKE. I think I am going to miss my airplane. I can stay around here 5 or 10 more minutes, if Ambassador Keel agrees, and take some more questions, and the rest I can just submit to the record.

Chairman NUNN. We will finish questioning Mr. Kloske.

Senator EXON. Well, Mr. Chairman, I just have one question.

Thank you for your testimony. It has been very interesting, Mr. Kloske.

It seems to me that it is pretty well established that NATO as an organization spends much more on defense in dollars than the Soviet Union, and yet in numbers alone, the Soviets seem to outnumber NATO in a whole series of important areas. A good portion, of course, of this is the cost of manpower. But by comparison, can you give us any thumbnail sketches of how much more does manpower cost the NATO alliance in dollars than the Soviets, and what else besides manpower costs accounts for NATO spending much more than the Soviets but seemingly fielding much less?

Mr. Kloske. Well, the manpower costs, because we are a capital intensive society, both in the United States and Western Europe, are extremely high, no doubt about it, and it is going to get higher because of the negative demographic trends in Western Europe. West Germany probably in the early 1990s will enter a negative demographic trend. They are extremely concerned about where they are going to get sufficient manpower to fill out their force structure. It is a great, great concern to them. Manpower is very expensive.

If you translate the fact that the average wage in Western Europe today is probably higher than it is in the United States, trying to get manpower on a professional basis over the long term is very, very expensive.

The Soviets obviously have filled out their force structure with millions of conscripts which they basically pay nothing. The wage structure is also quite lower than compared to the West. Also, the conscription rates usually last from 2 to 3 years, whereas traditionally in Western Europe, increasingly you see 1 year.

The other issue in terms of why is it more expensive is we are just very inefficient. Instead of having one common production base or two production bases, one in Western Europe and one in the United States, we have 16, actually 15. Iceland really does not have a defense production base. And when you have 15 production bases, you lose your economies of scale, and that becomes very inefficient.

Also, we put a tremendous emphasis on high technology, and high technology is expensive. But the fact that our manpower costs——

Senator Exon. But if high technology is expensive, supposedly high technology gives us a significant edge. That is the other side of that sword, is it not?

Mr. Kloske. That is correct.

Senator Exon. Is that true? Are we getting that edge? That was my next follow-up question. Are we getting that edge in technology that the capitalistic system has bragged for time immemorial that that is why we are going to excel over other systems, that we do a better job, get more bang for the buck.

Mr. Kloske. Well, let me answer your question from this point of view. It really worries the Soviets. It really worries them that we have a significant competitive edge, and as a matter of fact, everything that we have seen in the last 8 years is that our multi-billion dollar investment in high technology has paid off because they have reacted to it. There is no doubt about it.

And as a matter of fact, increasingly we see growing evidence that the Soviet leadership, both civilian and military, is very concerned that we may obtain in certain key areas a technological superiority in the early 1990s.

Having said that, technology is expensive. If it worries the Soviets, then it is cost effective. The real problem is, Senator that when you have 17, 16, 13 nations trying to do high technology at the same time, you end up duplicating your investment, squandering your resources, and losing your economies of scale. That is the problem.

If we could obtain a common production capability, and common R&D an order of magnitude greater than we have today, which would still be inefficient but still much better, we would be able to hold our own very well for the next 15 years.

Senator EXON. Then I suppose the bottom line answer to my question is very simply that as far as dollars and cents alone are concerned, the main difference is in cost of manpower, is that right?

Mr. KLOSKE. I think it is a combination of all those factors.

Senator EXON. A combination of all those factors.

Mr. KLOSKE. Yes, sir. Expensive manpower, the high cost of technology, and the inefficient way we go about it.

Senator EXON. Well, I just wanted to get a thumbnail sketch. Is half of it due to the difference in costs in manpower or 75 percent of it or what?

Mr. KLOSKE. I would roughly guess that at least 25 percent of it would be accounted for by manpower, but it is the inefficient levels of production and R&D cooperation which are endemic in the alliance which I think is the key culprit in making sure that we just do not get the output that we provide for by our input.

Senator EXON. Thank you.

Senator Quayle.

Excuse me, Senator.

Senator WARNER. Somebody had better get the direction of the Chair here.

Senator QUAYLE. I do have some questions.

Senator EXON. Senator Quayle.

Senator QUAYLE. Thank you, Mr. Chairman.

Mr. Kloske, I would like to figure out a way of how we can get some of the programs that you have identified in the Competitive Strategies Task Force, specifically in the NATO defense program that Secretary Carlucci talked about in his annual report to the Congress, and in response to a question of mine, indicated that yes, the programs that are identified in the Competitive Strategies Task Force are things that he thinks would be included in that NATO defense program.

What are we doing to implement that, and do we have clear lines of direction to get those programs that are identified in your task force into that NATO defense program? And what do we need to do to make sure that happens?

Mr. KLOSKE. Well, first of all, Senator, the acquisition community has already gone through a first cut exercise in identifying key systems and technologies that support the competitive strategies concept, and that will be submitted to Mr. Taft once it has been scrubbed, I expect in the next 10 days. Once that list has been identified, which I have already been charged with keeping track of and monitoring to make sure that it is being preserved in the POMs. It is very easy for me since I also support Deputy Secretary Taft on the defense cooperation side, to make sure that we have bridged that kind of activity, competitive strategies technologies, R&D and so forth.

We have already identified one which I think is extremely useful, has a high multiple payoff, certainly a very worthwhile investment, which is ATACMs, which is a longer range missile that would be fired out of an MLRS launcher.

Senator QUAYLE. Okay.

Once we get those programs identified in the acquisition world and you get with Taft, then will that come back into your shop to make sure, and do you have the responsibility of following through on that?

Mr. KLOSKE. Yes.

Senator QUAYLE. I guess more precisely, is it my understanding that you—will you have the responsibility for overseeing and working the NATO defense program as well?

Mr. KLOSKE. Well, I am dual-hatted. I direct the Competitive Strategies exercise for Secretary Carlucci, but I also happen to be the Department of Defense's trade and defense cooperation advocate, which gives me oversight responsibility for the development of our defense cooperation programs.

Senator QUAYLE. So if I wanted to call somebody besides Secretary of Defense Carlucci about——

Mr. KLOSKE. Call me.

Senator QUAYLE [continuing]. How the NATO defense program is being implemented, call you.

Mr. KLOSKE. Call me.

Senator QUAYLE. And you are the one that has the primary jurisdiction in that——

Mr. KLOSKE. I will guarantee you, Senator, that you will not get a busy signal.

Senator QUAYLE. Well, I never get a busy signal. I just want to make sure that you are the right one——

Mr. KLOSKE. I am not sure if I am the right one, but I have been tasked to do it.

Senator QUAYLE. Okay.

Thank you, Mr. Chairman.

Senator EXON. Senator Glenn.

Senator GLENN. Thank you.

How much support have the allies been giving in the area of SDI?

And let me give a little preface on that. You are probably familiar with some of my activities over the past couple of years with regard to SDI. It was not just to be nasty and to try and get better burdensharing from our allies. That was not the thrust of it at all. I think the United States became what it is today largely because we educated our people better than any other nation and because we plowed more back into basic, fundamental, breakthrough research. Then we put that to work, and created new industries, jobs, and businesses. Much of that came from military spinoffs—information, technology, and research.

Now, we have the biggest research program ever put together, dwarfing the Manhattan Project, and out of this will undoubtedly come more basic research information that will be of benefit to our whole nation economically.

And that is the reason I was so concerned about SDI. The President proposed SDI in 1983. Our allies did not like SDI at all. Very few people spoke up in favor of it.

So in 1985 the administration offered to give away some of the research on SDI. And this even required a sales program in Europe to get the allies on board. Helmut Kohl largely sold it on the basis of the economic spinoffs the FRG would get for its civilian sector. West Germany's participation in SDI is managed by the Economic Ministry instead of the Defense Ministry. That shows what they think of it.

Now, that is the reason I brought up my legislation. I have not seen much evidence yet that they are just jumping on board and really willing to make substantial contributions to the SDI program. We had a big wrangle on the floor about this.

So I do not know what the allies are doing in this. I resent very much the fact that we have our own colleges, universities, and national laboratories crying for this research money, and we are going to give it as a political payoff to buy allied support for SDI.

Now, how much are they kicking in, or what are they proposing? You should know those things.

Mr. **Kloske**. Well, on the political side I will defer to Ambassador Keel. He is on the front line, the very able Ambassador at NATO Headquarters, and I think he has a much better appreciation as to what the allies like and do not like about SDI these days.

In terms of kicking in, I think that the future viability of any cooperative activity in the arena of SDI should be done on roughly equitable shares. If they have a requirement for that kind of a capability, and obviously it is a very vast program, or portions of it, and if they have the means and technologies for it, they should contribute both finances and technologies.

And I think given the political circumstances in this country, in view of our trade deficit and so forth, and the agitation that it has generated, that again, a sharing where there is interest, where there is a requirement, where there is money kicked in from both sides and technology supported, I think that is the best way.

And incidentally, I personally feel that the compromise that you and the chairman worked out on this issue is the way to go.

Senator **Glenn**. How many dollars are they putting in? Give me some specifics.

Mr. **Kloske**. I think the number of contracts that we have awarded goes perhaps up to $6 million to $10 million. I do not have the figures behind me, so I will have to get them to you.

In terms of developing common military requirements that would support an SDI, I could not tell you that right now. I would not be surprised if it is marginal.

Senator **Glenn**. I would like—if you do not have it, you can supply it for the record, but I would like to know what agreement we have with each nation, what projects that we have agreements on, and what percentage of that project's estimated cost the allies' are sharing.

Mr. KLOSKE. I can submit those for the record.

[The information follows:]

The actual and active participation of Allied governments and companies in the SDI Program really began only a little over two years ago. The Memorandums of Understanding on SDI participation negotiated with the United Kingdom, Germany, Israel, Italy and Japan are overarching agreements which do not identify any specific projects. While the possibility of cooperative projects with Allies (among other ways to participate in SDI research) was foreseen, almost all the Allied work in the initial period was the result of contracts or subcontracts won by foreign firms. More recently, we have begun to see interest and activity vis-a-vis cooperative projects. In mid-1987, the SDI Organization signed a Memorandum of Agreement with the Netherlands Organization for applied Scientific Research for a multi-year cooperative research effort related to electromagnetic launch technology. The Dutch share will be $7 million and the U.S. share $5 million. We are currently negotiating other such project-specific cooperative agreements; [deleted].

Senator GLENN. Because that is the bottom line. We vote real money over here for these programs, and we expect real money from our allies. As far as I know, we have not gotten a whole lot so far. We have gotten a lot of words, but I do not think we have had much commitment for actual funding from the European nations.

I plan to follow this issue this and every year, so that it does not fall in the cracks, because I think it is important.

The reason I think this is so important is that we are being outcompeted in research in certain fields. And it just is ludicrous to me that we would do that when they have not even been willing to share, as you say, equitably. This can translate to substantial or to my 50 percent cost share formula that I tried to sell on the floor. But I agree, it has to be something substantial and equitable.

Mr. KLOSKE. But I think, Senator, that the best way to handle this issue is to ensure that our military and their military agree that there is a common requirement, if not in all areas, at least in some areas, and that based on that, it should be——

Senator GLENN. Well, no, I disagree with you. I do not think that will work because we are not going to get that kind of agreement on SDI. They are not the ones determining what SDI research has to be done, we are. So I disagree that we have to have agreement on the requirements. We set the requirements.

So I would not agree that we get together with the allies to set requirements. They are not going to run SDI.

Mr. KLOSKE. No, I am not saying that they should run SDI, Senator. What I am saying is that in those areas of mutual interest, usually an agreement has to be reached as to what needs to be pursued and how it is going to be funded. That is the way I define it. And I am not saying that they are going to run SDI or not. That is not for me to say.

Senator GLENN. Okay. Well, I am very concerned with this issue. I think the programs that we have cooperated on that you have outlined here, and our chairman talked about earlier, are commendable. But in the SDI area I am particularly concerned because this is the basic breakthrough research that will have a lot of civilian spinoff. That is why I was so concerned about it.

So if you could furnish that information for the record, I would appreciate it.

Mr. Kloske. Mr. Chairman, I would like to beg your indulgence. I am going to have to leave, so I would like to be excused. I would like to thank you and the rest of the members for the time that you have devoted to us, and particularly I would like to thank Senator Qualye for the tremendous support that he has provided us on competitive strategies. He has been a big fan all along, and I really appreciate the support that he and Mr. Sokolski have provided us, sir.

Chairman Nunn. Thank you very much. We appreciate it.

Have a good trip.

Mr. Kloske. Thank you, sir.

Chairman Nunn. Ambassador Keel, we are delighted to have you. I know you understand the delay in getting your testimony. Normally when we have two witnesses we would have both of them give their testimony first, but this time we had to excuse a witness early.

So why do you not proceed with your statement. Then we will have questions.

STATEMENT OF HON. ALTON G. KEEL, JR., U.S. PERMANENT REPRESENTATIVE TO NATO

Ambassador Keel. Thank you, Mr. Chairman.

No, I understand completely. In fact, I was told beforehand that that would be the case, and that certainly was acceptable.

What I would like to do, Mr. Chairman, if I may, is simply submit my statement in its entirety for the record and then give you a highlighted version and be as brief as possible.

First, let me just say that I appreciate the opportunity to testify as you are deliberating on the INF Treaty, and especially as you are looking ahead into the post-INF environment.

What I hope to do this morning, frankly, is share with you a perspective as the U.S. permanent representative to the North Atlantic Council at Brussels, but from that position, a perspective from one who works with the alliance on a daily basis. I think there are some things ongoing within the alliance that offer more encouragement than one otherwise might assume.

The process, needless to say, is slow. It is step by step. It is not surprising it is step by step because it is an alliance formed on the basis of consensus, of pluralistic sovereign democracies.

And in being step by step, yes, it is sometimes tedious, but I do think progress is being made. So I think it is important for this committee in your deliberations to have some sense of how NATO in particular, both as an alliance of sovereign nations as well as an institution is going to meet some of those challenges ahead.

Let me say that as far as INF, I would be remiss if I do not simply state what you have heard often before from other witnesses, and I will not belabor it, but the fact is that very clearly this alliance does consider the INF Treaty an alliance success story, in large part because not only does it remove a system which threatens NATO, the fast response SS-20 ballistic missiles, which was destabilizing, but in addition, it validates our approach to East-West relations. It is an approach rooted in the Harmel report which has just celebrated its 20th anniversary. It is an approach that indicates this alliance first and foremost must maintain an adequate military force to deter and to defend. It is an approach that we have come to know as military strength and political solidarity.

What INF has done is demonstrate that that approach works. So it is an alliance success story.

In fact, Mr. Chairman, some from outside the alliance looking in, if you will, have suggested or seemed to suggest that we now need a wise man's study to, if you will, hand down to the alliance or articulate a new strategy. I do not agree with that. I do not think the alliance needs a new strategy, and the alliance does not believe that it needs a new strategy.

Our strategy in Harmel works: strength, realism and dialogue—our political strategy. Our military strategy works, the strategy of flexible response.

What we do have to do, needless to say, is make sure we carry out the efforts to keep that strategy credible.

Those are the challenges that we face. That is not to say that those challenges are not formidable. We have heard some of the problems already mentioned this morning, but they are not surprising problems, again, as you are dealing with an alliance of 16 sovereign nations and clearly each nation having its own sense of what its national priorities and not only security requirements but economic and political requirements are.

But this alliance recognizes those challenges and, as I have mentioned previously, is at work on some of those challenges. So I would like just to give you a sense of how the alliance is going about meeting them and what some of the prospects are for the future.

First, with respect to maintaining adequate strength. After all, again, strength is the basis of dialogue. Effective dialogue flows from strength. There are requirements to maintain deterrence and defense, and as a consequence both nuclear deterrence as well as adequate conventional posture.

Clearly both are needed. History does not offer any basis for concluding that, for example, a conventional deterrence alone can suffice. So clearly a requirement will be for this alliance, recognized by this alliance, accepted by this alliance, is to continue nuclear force improvements.

The INF Treaty in no way negates the basic fact of life that military systems, including nuclear, have to continue to be modernized. The alliance subscribes to that principle.

In fact, as it is often referred to in its Montebello decision in 1983, NATO defense ministers agreed that NATO's nuclear stockpile, independent of any INF agreement, obviously much before the INF agreement, would have to be—and I want to quote here for precision, Mr. Chairman, because Montebello has become a shorthand, and as is often the case for shorthand, there is sometimes confusion over what it means, what the NATO defense ministers agreed, and I quote—"That both the delivery systems and the warheads must be survivable, responsive, and effective."

After that, at that same NATO defense ministers meeting——

Chairman NUNN. Was that word "responsive" or "responsible"?

Ambassador **Keel**. Responsive. At that same NATO defense ministers meeting, October 1983, at Montebello, they also called on SACEUR to develop the requirements necessary to ensure that was the case. And subsequently, SACEUR did identify those requirements, laid them out to the defense ministers.

Since that time we have been continually refining those requirements, with some improvements underway, and with some improvements yet to be committed to. But that refinement, in spite of some of the noise and clamor and dust of the current debate, is continuing.

Those options remain intact. No option has been deleted. And, as I said, some work on some specific systems is already underway. So in short, there is no question of this alliance retreating from the overall program, much less from the general principle of the necessity to modernize as a fact of life.

And certainly this administration is firmly determined that modernization must continue, both in terms of the program as well as the general commitment. I would say that for this to be accomplished, it is going to require, as in most aspects of alliance activities, firm U.S. leadership.

And in that case, if we, the United States, seem to portray diminished interests in modernization of nuclear weapons, then the allies, you would have to conclude, are going to be less likely to take the difficult decisions to modernize. So it is going to require continued U.S. leadership to assure that we do carry out this full program.

The second challenge on the strength side of our strategy, an area that is of keen interest to this committee, is the requirement to continue to improve NATO's conventional forces.

The deterrent power in simple terms of nuclear weapons in and of themselves is insufficient. Our strategy is not one of massive retaliation. It is a strategy of flexible response.

So as a consequence, NATO has long recognized and accepted as a principle that we have to therefore have adequate conventional forces. And that they are necessary to provide credible defense options and to avoid excessive and undue reliance on nuclear deterrence.

I will not burden the committee with a recitation of NATO's problems in carrying out the necessary efforts to improve conventional forces. We have heard some of those problems already this morning.

But suffice it to say that the challenge is going to continue. And in view of the fiscal austerity that not only our allies are facing but quite candidly the United States is facing in terms of defense resources, I think you would have to conclude the challenge is going to increase.

But I do not think it is hopeless. I do not conclude it is hopeless. We cannot accept that it is hopeless. I believe that the alliance is making progress and has made progress in the last decade.

Needless to say, so has the Warsaw Pact, and ultimately we have to look at the net balance. But the alliance certainly has improved its forces. In fact, over the past several years in particular, NATO has specifically been examining ways to better use constrained resources. How do we more efficiently, effectively use resources?

One example of the continuing examination on the part of the United States of that is the presentation made today by Mr. Kloske—not yet, as we already have mentioned this morning, provided to the allies. But that is an example of where our thinking is continuing to evolve.

But on the planning aspect of once you decide what technologies to exploit, how do you increase cooperation at the R&D level, at the force planning level, at the acquisition level?

On the planning side of things, NATO launched an effort which you again are familiar with, members of this committee, called the Conventional Defense Improvements initiative, known as CDI.

It was launched by NATO defense ministers in 1984, but it is more than just a collection of initiatives, a collection of programs. What CDI has evolved into since 1984 is actually a fairly broad over-arching process by which NATO is trying to wrestle with the question of prioritization and cooperation and coordination.

It is one example that I want to offer you this morning of NATO at work on some of these challenges ahead. But again, as I have alluded to, ultimately NATO is an alliance of 16 sovereign nations, and the power of corporate NATO, if you will, of NATO as an institution, ultimately has to rely on political suasion.

The individual nations must in the final analysis be responsbile for making those national decisions, and they do make them based on national security interests, economic interests, and political interests. That is a fact of life.

We are doing better with our planning system to try to assure as they make those decisions that they also take into account the alliance requirements, common requirements.

But any given nation has trouble with prioritization. This Nation, of course, has trouble with prioritization between domestic requirements and security requirements, for example.

So you can see, as you are well aware, that the task is multifold, when you are dealing with 16 sovereign nations. That is a difference, frankly, between why our decisions sometimes come out the way they do as an alliance versus the way they come out for the Warsaw Pact.

Our alliance is an alliance of consensus. Their alliance is an alliance of coercion. So I would not trade, however, the two alliances, needless to say. But it is something we have to deal with, and ultimately our tool is one of political suasion within the NATO institution.

But despite these obstacles, I think NATO has made some progress. I think CDI is at the core of it, and has provided in part much more than a set of initiatives, as I have mentioned, but a corpus, if you will, of planning systems.

One element of CDI is what is referred to as the conceptual military framework. And that is intended to support NATO's long-term defense planning goals by specifically enumerating, identifying, key mission components.

So it is an attempt to prioritize by identifying key mission components, such as FOFA, follow-on forces attack. Such as crisis management, and so forth. And on the basis of that, to provide a foundation for prioritization and for coordination.

Then the core of NATO's defense planning system is the development of what are called national force goals. They are national, based on presentations of each of the nations who are part of the integrated military force structure.

But each nation then presents those national force goals to the alliance. It subjects itself to the critique of its allies. And then based on that critique, annually, they accept revised national force plans intended to carry out the long-range force planning goals of the alliance, consistent with that conceptual military framework, and are then responsible for aiming to meet fully those identified force goals.

And then subjected in the following year in the annual cycle to again another critique to judge how well they have done. So there are some mechanisms in place. CDI goes one step further than that, in addition.

It has identified on top of that what are some especially critical deficiencies in eight areas, ranging from sustainability to support, to modernization requirements. Including what Senator Nunn has referred to as automatic escalators.

So CDI goes that next step and identifies, in addition to those mission areas, what are some critical deficiencies. Again, to help in terms of judging prioritization. Those critical deficiency areas then are accepted on a national basis as part of each nation's national force plan.

Beyond that, what is not widely recognized is that in addition to that coordination between CDI and force plans, CDI has also promoted linkages in other areas to force plans.

Notably, the logisticians now within NATO report to NATO defense ministers on the logistics aspects of the conceptual military framework. How well are our logistics efforts, in fact, supporting these essential mission areas.

And the civil emergency planners are now aggressively trying to develop a similar system by which they can report to ministers in terms of how well our civil emergency planning is consistent with our conceptual military framework.

And then finally, a system, Mr. Chairman and members of the committee, that we are on the verge of adopting, and may be adopted at the NATO summit, is the next step, the next logical step in progression of coordination.

It is a system that has been very much championed by the Secretary General, Lord Carrington, and a system very much supported and encouraged, advocated by the United States.

It is a system of conventional armaments planning. It is intended to more closely link force planning with national armaments plans, or national acquisition plans. It is a first step, and we are on the verge of taking that first step.

But it is an important step, not only from a security standpoint but from a political standpoint. So we are continuing to make progress to put in place and build a kind of planning process to make sure that we can do a better job of making these tough decisions in terms of allocation of resources.

The challenge, as I see it, is not to try to install a radical new planning system. I think we have got the core of a planning system in place. The challenge is to build on it, and keep the momentum going.

And it is step by step. And we would like to be able to, as you put it earlier, Mr. Chairman, leapfrog ahead, especially in taking advantage of the various technologies. But in the absence of leapfrog, at least we ought to continue to build on this current system.

I have elaborated in my testimony and I will not go into it today, at least not in my public statement. But for your record, I have elaborated in specific ways that I think we have accomplished certain improvements in the conventional force areas. And I refer you to the full statement.

I would like then very briefly to talk about the other side of our strategy, from strength, how do we pursue dialogue to improve East-West relations and enhance stability.

There are challenges there as well. At the same time, I think we have a fairly ambitious agenda for dialogue. The INF Treaty was part of that dialouge, and represents a first step toward accomplishing a more stable environment.

At Reykjavik in June, at the ministerial meeting this past June, the foreign ministers reconfirmed the alliance agenda in the arms control area.

In addition, at that Reykjavik June ministerial, the ministers tasked me and my colleagues at Brussels, the NATO ambassadors, to, and again I want to quote here for precision, "to consider the further development of the alliance's comprehensive concept of arms control."

That has become known as the paragraph eight exercise, and that is the appellation by which you may recognize it, because it was paragraph 8 of that communique that tasked the NATO ambassadors.

That is intended, frankly, to determine how we might further develop our concept of arms control, but in the light of our fundamental principles of security for this alliance. And within this context, we will consider the question of the remaining shorter-range nuclear systems in Europe.

But on that point, as you know, the U.S. position is that it would be premature under the present circumstances for this alliance to enter into negotiations on those short-range systems.

But in this exercise that is ongoing at Brussels to further develop our concept of arms control, we started with basic principles. We went back and said the first thing we must do is reaffirm the principles of alliance security.

Clearly before we lay out our arms control agenda, or further develop it beyond our current agenda, our extant agenda, we have to reaffirm our basic security principles. Because arms control is intended to enhance within the confines of those security principles.

So as that first step, we have accomplished just that as part of this exercise. We have reaffirmed again the political strategy of Harmel, of military strength and political solidarity.

We have reaffirmed our military strategy of flexible response with the critical role of nuclear deterrence, as well as U.S. nuclear weapons in Europe. In addition, in the context of the exercise, we have all agreed there is consensus that a triple zero for short-range nuclear force systems is unacceptable, it is not in our alliance security interests.

So again, this is an example where the alliance is at work in wrestling with some of these issues, some of these challenges ahead. We have also got the agenda on the dialogue side of our strategy, ongoing in the conference on disarmament in Europe, for confidence building measures.

We have got the dialogue ongoing on the Conferences on Security and Cooperation in Europe [CSCE] on human rights and basic individual freedoms.

But I would like to elaborate a little bit on the current status, which is evolving daily on where we are in conventional stability with respect to negotiations. I know you have had testimony on this, so I will just try to focus on recent progress.

Just by way of review, the December 1986 Brussels declaration set out what the goals and objectives of the conventional stability talks ought to be: to eliminate the destabilizing disparities, to eliminate the ability for surprise attack on the part of the Warsaw Pact and for carrying out large-scale offensive actions.

At the June Reykjavik ministerial meeting, what has somewhat been overshadowed by the fact that that June ministerial was where the alliance adopted the double global zero for INF, the foreign ministers also reaffirmed that conventional stability set of goals and objectives, and furthermore took decisions to begin to negotiate that mandate at the group of 23, so-called. The 16 allied nations and the seven Warsaw Pact nations.

In the very next month in July that mandate was tabled. And that negotiation, as you know, is ongoing on goals and objectives. And you have had report on the progress there.

But in parallel with that, at Brussels, we were developing a substantive proposal to execute that mandate, to achieve those goals and objectives. And there is progress there as well.

That is being done in what is called the high-level task force, which is chaired by the Deputy Secretary General at Brussels. And they have just met as recently as last night. And I have just gotten a report as recently as this morning on the progress there.

I am pleased, frankly, because I consider this an extraordinarily important areas for this alliance, as does our administration. And have so for my entire tenure at NATO, and have made it a priority. So I am very pleased that there appears to be a consensus emerging.

That consensus is taking the form of, one, an agreement that yes, there has to be large asymmertric reduction on the part of the Warsaw Pact, based on the simple fact that they have large advantages.

But that secondly, in order to accomplish our objectives, this agreement must concentrate on combat power, and in particular on ground combat power. And beyond that, as a consequence, it must capture equipment.

In particular, there is agreement that amongst those equipments must be tanks and must be artillery, and infantry fighting vehicles. There is also agreement that the proposal must be applied on the region as a whole, from the Atlantic to the Urals.

Yet to be decided is whether there should be subregions, and yet to be agreed is how the proposal would handle any such subregions. Obviously, there is agreement that there has to be an effective, in fact intrusive, I would say, verification regime with the intent to increase the transparency of Warsaw Pact maneuvers.

There is also a consensus that there has to be a firm exclusion of naval forces, of chemical forces in this negotiation, and of nuclear forces. And there is no disagreement within this alliance that these negotiations should not involve nor should nuclear forces become entangled in these conventional stability talks.

I do not want to predict how that consensus is ultimately going to come out, Mr. Chairman. But there is progress being made. I will just add a personal note, that in my view the proposal ought to ultimately include the goal of common equal ceilings.

I would say common equal ceilings on such equipment as tanks and artillery and infantry fighting vehicles, applied to the zone as a whole, but with special provisions to assure that the Soviet Union could not amass forces in the central region within those ceilings.

I would also like to say that, from my own personal viewpoint, in an area where the U.S. mission to NATO has devoted a considerable amount of attention, as I think you know, Mr. Chairman, that this proposal ought to be complemented, in addition to reductions and ceillings, complemented by some innovative verification measures.

Because stability is not just a measure of static forces. Stability is very much dependent on the dynamics of time. Time to detect, time to decide, and time to mobilize. So I would personally like to see inclusion of measures to increase transparency into maneuvers, and to hinder the overall force generation ability of the Warsaw Pact.

Chairman **Nunn**. Mr. Ambassador, may I interrupt you there, and just ask a question?

I have struggled with this whole question of confidence building and transparency, and I know your staff has worked on it. We have communicated, and I think it is one of the most important areas, because our arms control goals must be centered on taking away the short-warning overwhelming blitzkrieg type attack that the Soviets and Warsaw Pact have been posturing for and training for a long time.

Structural arms control—the reduction of tanks, units, fighting vehicles, artillery tubes, those kind of things—is inevitably going to take a long time. I do not think anybody predicts less than 2 or 3 years, and some people are saying a lot longer, maybe 5, 10 years, if it is successful at all.

Since verification in this area is going to probably be 10 to 100 times more difficult than in the nuclear area, and since we already have some precedents for on-site and for confidence-building measures, has anybody given any thought to establishing, in an unprecedented way, verification-type confidence-building structures before going into or completing, at least, the structural reductions?

Ambassador **Keel**. Yes, in fact, we are giving thought not only to the question of whether it could be done before, which is not an easy question to answer, and I will get into that in a second, but also what kinds of measures one would take, needless to say.

I agree, as I have already said, that it is very important to have these kinds of measures be an integral part of a conventional stability proposal. That there is a synergistic effect between reductions and what I like to think of as security enhancement measures. Not just confidence enhancement measures.

But there is thought being given to whether or not, as a consequence, we might engage in negotiations on verification measures first. Certainly we want to have them up front as part of the negotiations.

Chairman NUNN. It seems to me they have got to at least parallel the structural or the substantive part of it.

And I do not know because I have not thought through it in any great detail.

Whether we ought to have a verification regime in terms of confidence building measures set up in advance of the reductions is at least worth exploring.

Ambassador KEEL. You are exactly right. At least it has to parallel, because ultimately you have got to be able to verify those kinds of ceilings or reductions provisions that you put into your agreement.

There is thought being given as to whether it might even lead. But I would be very cautious, and I am very cautious about the notion of phased agreements. Because I do not want to fall into the trap of negotiating only verification provisions.

Because I think ultimately security enhancement is going to hinge on whether we can get large asymmetric reductions. Those are tangible. They are much less perishable than verification provisions. So that is the one obvious pitfall that we have to avoid.

The other is, since that is the case, we want to avoid frankly allowing the Soviet to get off the hook on the reductions.

Chairman NUNN. Well, I completely agree with that. I start with perhaps a political subjective judgment here.

I do not think the Soviets have a lot of military incentive for conventional reductions.

We ought to be creating more incentives. We ought to be doing that with programs like the technological program, cooperative development, going after tanks with technology, all of those things.

It seems to me a major part of their incentive for conventional arms control should be economic rather than military. If you take away the Soviet marshalls' and generals' ability to conduct a blitzkrieg-type attack, you have then given the military some incentive for reductions, because no longer is that overwhelming tank force there capable of coming in with short warning.

In this case, I would not say this applied to nuclear arms control at all—I do not think this is the same analogy. I think it is a different arena. In this case, I can see how you might increase the incentive from the military point of view for reductions, if you did have such an intrusive regime that the short-warning attack was almost an impossibility.

I just think we have got to put on a different thinking hat for conventional arms control than we ever have for nuclear.

Ambassador KEEL. I agree with that.

Chairman NUNN. Sometimes I think verification in the nuclear arena drives us too much, because I feel we focus more on verification than we do on stability.

We may even take steps that make stability less likely in order to get something verifiable. But in the conventional arena, I believe that we have go to have an unbounded imagination, more so than we ever had in the nuclear arena.

Ambassador KEEL. Certainly that is the case, and I agree that, as you put it, we have to put on our thinking hats. And we have and we are.

But, as you have already indicated, it is a complex question, and we have got to avoid the pitfalls as well, if we do decide that it is in our interests to go for verification provisions, as a part of the negotiations but early phase of negotiations.

It will depend in part, needless to say, on what kinds of provisions we are going to put in place, and how much confidence we have in those. We have got to be confident that they cannot simply circumvent those while still having their forces in place.

If we can come up with the right kinds of provisions, then you are right, we can give them the incentive then on the reduction side of negotiations as well.

Chairman NUNN. Thank you.

Ambassador KEEL. I do believe, as I have said, that, and as you have just echoed, this is an extraordinarily important area for this alliance, conventional stability negotiations.

And in fact, it is extraordinarily advantageous, both from a military standpoint for obvious reasons, but also from a political standpoint.

It provides us a basis, quite frankly, and hopefully, if we are adept, to built the leverage to focus public attention on the character and nature of those Soviet forces and deployments, and to point out the difference between their offensively oriented forces of the Warsaw Pact and the defensive nature of those of the alliance.

So I think there is potential in these negotiations to help focus public scrutiny on the Soviet Union, and on the Warsaw Pact. And in that way, to help bring leverage to get results in these negotiations.

So in conclusion, Mr. Chairman, and I am at the end of my statement, I do think, needless to say, there are some challenges ahead. And it is going to be a test of alliance leadership. And ultimately of alliance cohesion.

It would be folly for me to suggest otherwise, and certainly fanciful for me to suggest otherwise. But this is not new. Throughout the period of this alliance, there have been challenges to alliance leadership and cohesion.

And we have never failed to meet that challenge. And I, Mr. Chairman and members of the committee, do not think we will fail to meet that challenge now. I hope I have given you some glimpse of reason to be encouraged, as slow and tedious as the progress is, that things are in place toward doing just that.

[The prepared statement of Ambassador Keel follows:]

PREPARED STATEMENT OF AMBASSADOR ALTON G. KEEL, JR.
U.S. PERMANENT REPRESENTATIVE TO NATO

Mr. Chairman, members of the Senate Armed Services Committee, I am grateful for this opportunity to appear before you and to contribute to your deliberations on the INF Treaty.

You have already had a number of distinguished speakers offer their views on the implications of this treaty for the United States and the NATO Alliance. The view that I would like to share with you today is one based on my perspective as the United States Permanent Representative to the North Atlantic Council. In that position, I have the opportunity to witness -- on a daily basis -- the Alliance "at work."

From my vantage point, there are three important messages that I would like to leave with you today.

First, the INF Treaty is a true Alliance success story. It is the product of clear-eyed realism, of the demonstrated political and military strength of the Alliance, and -- based on that strength -- the patient pursuit of dialogue with the Soviet Union.

Second, the INF Treaty does not solve -- and was not intended to solve -- all of the Alliance's security problems. Neither does it exacerbate them or create new ones. Nonetheless, there are real challenges that confront us, challenges that will require leadership and determination in the years ahead. The Alliance has identified those challenges and has already begun charting its path for the future.

Third, NATO is more than just 16 separate sovereign Allies. It is also -- as its name suggests -- an organization. And that organization is alive and well. While it celebrates the success of INF, it is also hard at work dealing with the challenges and opportunities in front of us.

Let me deal briefly with what I view as the principal lesson of the INF Treaty before I turn to how the Alliance is preparing to deal with the challenges ahead.

The Lesson of INF: The Strategy Worked

The INF Treaty is, indeed, an Alliance success story. It is important to understand why. The treaty represents the victory of a long-standing political strategy, articulated in the 1967 Harmel Report and reaffirmed in the May 1984 Washington Declaration: That both deterrence of conflict and dialogue with the East to secure a more stable peace are grounded in the strength and cohesion of the Alliance. The INF Treaty is a direct result of the strength, the determination, and the demonstrated political will of the Alliance to meet its commitments, to follow through with its policies, and to stand firm in the face of opposition and intimidation. That strategy of strength and dialogue has worked. It is a reason to celebrate. More important, it is a lesson to be applied to the future.

In recent months, there have been a growing number of suggestions from diverse quarters as to what NATO ought to do. Some of those suggestions are, quite simply, misguided. Others merit our attention.

In the former category, I would include claims that the Alliance does not have a viable political or military strategy. Some concerned outside observers have suggested that the Alliance needs a new Harmel Report, a new "Wise Men's Study" to articulate a new strategy for the 1990's. I do not agree, and neither does the Alliance.

The progress we have achieved in the full range of agenda with the Soviets, including arms control, is a direct result of a policy of strength, realism, and dialogue. That is the essence of NATO's political strategy. Within that agenda, arms control is an integral part of security policy. Agreements should only be sought to the extent that they enhance our security.

As for NATO's military strategy of flexible response and forward defense, the strength of the Alliance continues and will continue to be based on an adequate and effective mix of conventional and nuclear weapons. There is no alternative to this strategy for the foreseeable future.

In short, Alliance strategy -- in both its political and military dimensions -- has worked, is working, and will continue to work. Far from needing a new strategy, the Alliance is and should be reaffirming its existing strategy. Next week's NATO Summit meeting will accomplish just that.

This is not to suggest that NATO is complacent about the changing security environment. I suspect, Mr. Chairman, that the issue is not whether NATO's strategy needs to be changed, but how -- within the strategy -- NATO continues to adapt its tactics to the changing security environment. Here, of course, there have been a number of valid suggestions. In its own quiet, deliberate way, the Alliance was already ahead of many of those suggestions, not only in recognizing the questions but also in making demonstrable progress toward finding answers. In short, the Alliance has been and is "at work."

So, let me now turn to the two principal pillars of NATO's strategy -- strength and dialogue -- and elaborate on what I believe the challenges are and how NATO is responding to them.

Strength: The Necessary Foundation for Dialogue

NATO's security policy is designed to deter conflict and, in the event deterrence fails, to defend its integrity and freedom. The requirements of both deterrence and defense are such that NATO cannot rely solely on nuclear weapons; but neither can NATO rely solely on conventional forces. History does not support the proposition that deterrence based on conventional weapons alone can endure. At a minimum, nuclear weapons have helped keep the peace for over four decades by ensuring that no aggressor could escape the risk of nuclear retaliation and seek sanctuary in its geographic position.

Maintaining NATO's Nuclear Deterrent

As others have already testified to you, and as I told the Senate Foreign Relations Committee, the INF Treaty stands on its own as an agreement that serves US and Alliance security interests. The global elimination of land-based INF missiles is a historic achievement. Nonetheless, it does not negate the following inescapable military principle: Our weapons -- not least our nuclear weapons -- must be regularly modernized.

The Alliance subscribes to this principle. In 1983, in Montebello, NATO Defense Ministers agreed to reduce NATO's nuclear stockpile, independent of any INF agreement. In conjunction with that decision, ministers formally recognized that "both the delivery systems and the warheads must be survivable, responsive, and effective." They called on SACEUR to make recommendations. Subsequently, SACEUR identified a range of specific possible improvements to ensure that delivery systems and warheads would meet each of these criteria.

Steady work on those improvements has been under way since 1983. The INF Treaty has had an impact on the threat environment, but is by no means the proximate cause of this continuing work. Just as there is no sense of alarm in the Alliance, there is no question of retreating from the overall program, much less of qualifying the principle that modernization is a necessary fact of life. The Administration is firmly determined that this modernization continue: both the program and the principle are matters of particular importance to us.

The point is that the Alliance is soberly aware of the agenda and is hard at work on it. The Alliance has not concluded, as others have suggested, that the INF Treaty and the prospect for further arms control agreements obviate the need for modernization.

In this as in other aspects of the Alliance's work, steady, purposeful US leadership will be essential. The task for the United States over the next several years is to bring its weapons' programs to maturity while consulting closely with our Allies. There are obstacles facing our modernization and adjustment programs, but they can be overcome. If we seem, however, to portray a diminished interest in modernization, the Allies will be less likely to take the politically difficult decisions that modernization and the required adjustments will entail.

Improving NATO's Conventional Defenses

Although NATO needs to maintain a credible, effective, and reliable nuclear deterrent, the deterrent power of nuclear weapons is by itself insufficient. NATO's military strategy is not "massive retaliation" but "flexible response." NATO has long recognized that adequate conventional defenses are necessary to provide credible defense options and to avoid excessive and undue reliance on nuclear weapons. Inadequate conventional defenses can also undermine the credibility of our nuclear response options, particularly if the Soviet Union were to believe that it could mount a successful attack which preempted NATO's ability both to defend and to deliberate effectively on escalatory responses.

Over the past year, the prospect of an INF agreement has given rise to several calls for NATO to take new initiatives in bolstering its conventional defense capabilities. Some have feared that the INF Treaty exacerbates the conventional imbalance between NATO and the Warsaw Pact. It does not. On the contrary, by eliminating shorter range missiles capable of carrying chemical and conventional as well as nuclear warheads, the Treaty will reduce the threat to ports and airfields essential to reinforcement of NATO's conventional forces. The main point, however, is that a conventional imbalance between NATO and the Warsaw pact has been a persistent security problem for the Alliance since its founding. The conventional threat exists regardless of the INF agreement. It is a threat which NATO has addressed repeatedly in the past, is addressing now, and must continue to address. NATO is particularly concerned about the growing Warsaw Pact capability to mount large scale offensive action for which NATO might have insufficient warning and preparation.

I shall not burden this committee with a recitation of NATO's problems in maintaining an adequate conventional defense. They are legion. Suffice it to say that, compared to nuclear weapons, conventional forces are substantially more expensive to organize, train, equip, and sustain. The Alliance faces real challenges here, plagued by declining defense resources and adverse demographic patterns. As in the nuclear field, we can never be complacent that today's deterrent will be sufficient tomorrow. Nonetheless, the Alliance has made great progress in the past decade, including in ways which are not always visible to outside observers.

Over the past several years, NATO has been examining how its constrained resources could best be applied to remedy its deficiencies and vulnerabilities, to exploit its inherent advantages, and to develop the means to ensure that the Warsaw

Pact cannot with confidence pursue a course of aggression. One important aspect of this work is NATO's conventional defense improvements program, or CDI, launched by NATO Defense Ministers in 1984. Over the past few years, NATO's CDI has matured into the foundation for an overarching defense planning system for the Alliance. This is one aspect of "NATO at work" which will pay long term dividends.

NATO is an Alliance of 16 sovereign nations, not all of which participate in the integrated military structure. Whatever institutions NATO creates to enable it to plan, their products are ultimately only recommendations to nations. "Corporate NATO" proposes; the nations dispose. Each participating nation has its own assortment of competing political, bureaucratic, and economic interests in which it develops its defense policy. "Corporate NATO's" institutions have only the art of political suasion with which to influence those decisions. Within any national policy-making structure -- including our own -- there are bridges which must be built between strategic and economic concerns, and between military and civil communities. That task is multiplied manifold with the Alliance.

Despite these obstacles, NATO has made significant progress in orchestrating a long term conventional improvements program. It is a deliberate process, as in any pluralistic system in which solid consensus must precede action. Commitments are not easily secured. By the same token, breaking those commitments is not without cost, especially political cost. NATO's CDI effort is not a haphazard response to alluring new "initiatives." Rather, it is a corpus of planning systems and ongoing programs that are having a direct influence on the way the Allies plan and develop their forces for the future.

One element of NATO's CDI program is the conceptual military framework to support NATO's long term defense planning. It includes a far-reaching long term threat postulation. It enumerates the key mission components -- essential mission objectives, such as military support for crisis management and follow-on-forces attack -- for which Alliance defense programs must be designed. Together with supporting documents by the major NATO commanders, it provides the foundation for prioritizing and coordination military requirements.

The core of NATO's force planning process is the development of national force goals. Each year, nations subject themselves to a critique by the Allies of their performance against specific force goals which they have accepted. Out of this review comes a national commitment of forces for the coming year and a projection of what can be expected for the subsequent four years.

In NATO's CDI program, the Allies have gone the extra step of identifying areas of critical deficiency in which improvements are most needed or would have the greatest payoff. These cut across all four pillars of NATO's conventional defense capabilities: Readiness, sustainability, modernization, and force structure. They address deficiencies which Senator Nunn has called "automatic escalators" -- weaknesses which, if not remedied, could compel the premature escalation to nuclear weapons. Examples include ammunition stocks, operational reserves, mobilization forces, infrastructure facilities to support reinforcement, command and control, electronic warfare, and air defense.

NATO has, of course, enumerated its weaknesses in the past, but it has not always taken steps to remedy them. The essence of CDI, however, is the integration of these elements into a cohesive planning system. National force goals that relate to areas of critical deficiency are explicitly highlighted, and nations are to aim to meet these goals fully. NATO military and political authorities thus have a more effective vehicle for guiding national defense efforts and for holding nations accountable for their performance.

Moreover, NATO's CDI effort has promoted linkages between force planning and other planning efforts. The logistics community, for example, now reports to ministers on the relevant logistics aspects of the conceptual military framework. Civil emergency planners have launched an aggressive effort to develop a parallel system that could elaborate civil emergency planning goals for nations. Finally, based on an initiative from Secretary General Lord Carrington, NATO is beginning to test a Conventional Armaments Planning System, designed to link more closely the force planning and weapons acquisition communities -- a first, but politically far-reaching, step. This should enable national procurement programs to respond more effectively to Allied military requirements. It should also build a more solid foundation for effective collaboration in armaments development, an area in which this committee has played a special role.

Mr. Chairman, my purpose is not to attempt to substitute institutional mechanisms for fielded combat capability. Rather, it is to demonstrate that NATO is "at work," addressing in a systematic way its defense requirements for the rest of this century. There is, at times, a temptation to assume that nothing is already happening in NATO and, based on that assumption, to propose radical new approaches. In fact, much of what many have proposed to improve NATO's defense capabilities is already underway. Moreover, NATO is building the planning structure -- and the experience -- that can enable it to adapt more effectively to changes in the security environment. This is an effort designed to exact the most leverage out of its defense resources. Our requirement is to build on ongoing programs and to maintain the momentum.

Moreover, this effort is producing results, in ways that often go unnoticed. NATO's aircraft shelter program, for example, will contain very close to the 665 shelters required by 1990. Also by 1990, almost 95% of the essential operating facilities and minimum essential facilities at collocated operating bases for US reinforcement aircraft will be in place. In the area of crisis management, NATO has a comprehensive set of agreements and procedures -- tested annually in exercises -- to support mobilization of the civil and military resources of the Alliance. Based on a US initiative, NATO has embarked on a full review of civil support for reinforcement, leading to a comprehensive assessment of how civil and military actions are integrated into the NATO alerts system. On a bilateral basis, host nation support arrangements support our reinforcement efforts. In the civil aviation field, for example, eight -- soon to be nine -- bilateral agreements commit allied civil aircraft to augment US strategic airlift assets in a crisis.

Finally, in the field of armaments cooperation, NATO is progressing with significant activity, reflecting the continuing impact of your 1985 legislation, Mr. Chairman. Sixteen bilateral and multilateral projects -- all addressing identified areas of critical deficiency under NATO's CDI program -- are in various stages of agreement. In 12 of those, there are signed memoranda of understanding to collaborate on systems development. Moreover, the US is prepared to identify 32 additional projects for potential collaboration with our Allies. In addition, there are numerous other collaborative projects in NATO which are outside of the Nunn Amendment program. These include agreements on co-development, co-production, and licensed production of everything from individual sub-systems to entire families of weapons systems.

In short, Mr. Chairman, NATO is "at work" to meet the challenges ahead. NATO's conventional strength has improved substantially over the past several years, and the elements are in place to ensure this strength is improved. The INF debate has provided a valuable new focus regarding NATO's conventional defense posture. It has reminded us of the work that is still to be done and of the need to be persistent.

As with conventional defense improvements, NATO has committed itself to maintain the effectiveness and reliability of its nuclear forces while keeping the number of these forces at the minimum level necessary to ensure an effective deterrent. In both the nuclear and conventional areas, US leadership will be a key ingredient in determining whether those commitments will be met. By meeting those commitments NATO also can demonstrate the strength and will to pursue an effective dialogue with the East, as it did in the INF negotiations.

Dialogue From Strength: Pursuing a More Stable Peace

Just as the Alliance is "at work" on the business of ensuring its continued military strength, Mr. Chairman, the Alliance is also "at work" in charting a path toward a more stable peace through enhanced dialogue with the Soviet Union. Our approach is on the basis of our enduring interests and on the concept that strength and dialogue are complementary -- effective dialogue flows from strength.

In 1989, we will observe the 40th anniversary of NATO. We will commemorate the decision by far-sighted Western statesmen that the answer to the breakdown of international order would be democracy and freedom. Our task now is to pursue this vision into the coming decades.

The INF Treaty is an important, if limited, step toward this vision of a more stable world. We and our Allies must build on the lessons we learned from the INF experience. That means clarifying our objectives and principles. That means speaking more plainly about nuclear deterrence. We have a full and ambitious agenda before us, as we seek to spur our vision forward into the 21st century.

At the Reykjavik Ministerial in June 1987, the Alliance confirmed our arms control priorities in the wake of an INF agreement. We seek a fifty percent reduction in offensive strategic nuclear weapons in START. In addition, the Alliance is hard at work on addressing conventional stability in Europe, an area which I will discuss in more detail in a moment. We are also pursuing, together with our Allies, a global, verifiable ban on chemical weapons.

Each of these negotiating approaches stands on its own. Each presents complex problems, not least in the crucial area of verification. Each, if successful, will contribute to our goal of enhanced East-West stability and greater security for all the members of the Alliance. Our basic interests can be served by each in its own right. Attempts to link one artificially to the other would be ill-advised, leaving us hobbled in our efforts to reduce the threat facing the US and its Allies.

At Reykjavik last June, Foreign Ministers also agreed that a comprehensive concept of arms control would include, and I quote: "In conjunction with the establishment of a conventional balance and the global elimination of chemical weapons, tangible and verifiable reductions of American and Soviet land-based nuclear missile systems of shorter range, leading to equal ceilings."

At Reykjavik, the Ministers tasked NATO Ambassadors in Brussels "to consider the further development of the Alliance's comprehensive concept of arms control." Some of you will recognize this by the appellation the "Paragraph Eight Exercise" -- a reference to paragraph eight of the Reykjavik communique which tasked NATO Ambassadors. In the context of that exercise, we and our Allies have been examining our approach to arms control in light of our fundamental principles and security objectives. This examination has given us as well a framework within which we can consider the question of shorter range nuclear forces. As you know, the US believes it would be premature under present circumstances to enter into negotiations on these systems.

In our so-called "Paragraph Eight Exercise," we took as a starting point the need to reaffirm the validity of the fundamental principles of our political and military strategy. That has been done. We have set the stage for an arms control approach that builds on the political strategy set out in the Harmel Report and a clear vision of our security interests. We have, accordingly, agreed that:

-- Our strategy is based on shared burdens and risks:

-- Deterrence is indivisible;

-- Flexible response requires both US conventional and nuclear forces in Europe;

-- Nuclear weapons are essential to deterrence; and,

-- A third zero is not acceptable.

So, again the Alliance is "at work."

In addition, the Alliance is developing its approach for resuming negotiations on confidence building measures under the

Conference on Disarmament in Europe (CDE). The INF success has tended to overshadow the singular achievements made in late 1986 in Stockholm. Stockholm was a Western success as well, taking important steps toward achieving greater predictability in the East-West military relationship. In particular, it set an important precedent for on-site inspections as both a matter of right and as a matter of routine. In addition to numerous observations of military maneuvers, there have been, to date, three Western inspections of Warsaw Pact exercises, and three Eastern inspections of activities in the West. NATO is working now within that agreement to increase the transparency of the East's military establishment.

This is also an important juncture for our efforts in the Conference on Security and Cooperation in Europe (CSCE) to address the fundamental issues dividing East and West. Human rights and respect for basic freedoms must inevitably underlie any serious attempt to lower the barriers in Europe. In the ongoing CSCE review meeting in Vienna, a part of which is the question of pursuing further CDE negotiations, and in the prospective conventional stability talks, we are testing the Soviet approach to Europe. Promises cannot substitute for concrete steps.

Toward Conventional Stability: An Alliance Priority

As part of NATO's comprehensive arms control framework, Mr. Chairman, I would like to elaborate on what is both an Alliance priority and an issue of particular interest to this committee: Efforts to achieve a more stable conventional balance in Europe, not only through conventional defense improvements, but also through negotiations with the Warsaw Pact.

In the December 1986 Brussels Declaration on Conventional Arms Control, NATO Ministers set out the Alliance's goals for strengthening stability and security in Europe. NATO agreed to seek to eliminate the Warsaw Pact's capability for surprise attack and large scale offensive action and to eliminate the glaring disparities between NATO and Warsaw Pact force levels. In Reykjavik last June, Ministers reaffirmed the importance of achieving these goals through negotiations with the nations of the Warsaw Pact and took the decisions necessary to develop a mandate for those talks.

Today in Vienna, twenty-three nations -- sixteen from NATO and seven from the Warsaw Pact -- are hammering out the mandate for conventional stability negotiations that we hope will begin this year. NATO has from the beginning been directly involved in this effort, with Allied negotiators receiving instructions from a high level task force created by the NAC and chaired by the Deputy Secretary General.

In developing this mandate, we particularly want to focus on the destabilizing nature of the Soviet military presence in Eastern Europe. We need to define the agenda in our own terms and to deflect the Soviet goal of a denuclearized and divided Western Europe. Soviet conventional forces far exceed the requirements of defense. Their presence in Europe serves other ends, including military threat, political intimidation, and occupation.

We also want to build on the precedents established in the INF agreement: a thorough exchange of force data, large and asymmetrical reductions leading to equality, and an effective verification regime with on-site inspection as a matter of right.

While negotiations on a mandate continue in Vienna, we are at work in Brussels developing the substance of a Western proposal. While disagreements remain, a consensus is emerging on the broad outlines of that proposal:

-- Large and asymmetrical Warsaw Pact force reductions to achieve a more stable equilibrium in Europe;

-- Concentration on the essential elements of offensive ground combat power, particularly tanks and artillery and perhaps armored infantry fighting vehicles;

-- Application of the measures involved to the whole of Europe from the Atlantic to the Urals, with particular attention to Soviet capabilities to concentrate forces in the central region or on the flanks;

-- An effective verification regime that would, _inter alia_, increase the transparency of Warsaw Pact military activities; and,

-- The firm exclusion of naval forces and chemical and nuclear weapons.

I do not want to predict how that consensus will finally evolve. Personally, I would like to see us agree on a proposal for common and equal ceilings of tanks, artillery, and infantry fighting vehicles; at about current NATO levels; throughout the entire zone of the Atlantic to the Urals; with measures that would require the specific reduction of Soviet forces in the central region. I would also like to see us challenge the Soviets' professed new respect of "openness" by incorporating, as an integral part of our proposal, dramatic verification measures.

As you know, Mr. Chairman, we have devoted a considerable amount of time examining the essential elements of conventional stability. Our efforts have led us to the inescapable conclusion that conventional stability is more than simply the product of static force balances. Rather, stability is very much dependent on the dynamics of time -- time to detect indicators of hostile intent, time to decide on appropriate crisis responses, and time to mobilize and prepare to defend against possible aggression.

This means that, in addition to large reductions of Soviet armored formations deployed forward in Eastern Europe, our conventional stability proposal must include provisions to hinder overall force generation and to enhance the transparency of the Warsaw Pact military establishment. Such transparency would not only support an effective verification regime; it would also provide direct operational benefit to NATO. Stability would be enhanced by depriving the Warsaw pact of the capability for a conventional attack which could preempt NATO's defensive options.

How we will achieve this remains to be determined. The surest way is to reduce substantially Soviet force generation capability west of the Urals through equal zone-wide ceilings on key equipment. Another way might be to station observers on each other's territory, authorized to observe and inspect each other's ground force garrisons. Whatever the measure, however, we should be prepared to challenge the Soviets to "put up or shut up" about their devotion to "Glasnost."

It seems to me, Mr. Chairman, that NATO's actions in conventional arms control may well prove to be one of the most politically and militarily advantageous steps that we as an Alliance have ever taken. In setting forth our own political definition of conventional stability in Europe, we have an opportunity to unmask the scale and purpose of the Soviet military presence in Eastern Europe. There is no "moral equivalence" between the US and the USSR, or between NATO and the Warsaw Pact. Ours is an Alliance of consensus; theirs is the product of coercion. We need to use this opportunity to portray the reality of Soviet military power.

Conclusion

Mr. Chairman, the NATO Alliance faces challenges that will test its leadership and cohesion. To suggest otherwise would be folly. The agenda is formidable: First, to maintain the credibility and effectiveness of our nuclear deterrent; second, to continue to improve our conventional defense capabilities in a period of constrained resources; third, to refine a coherent arms control framework that can take advantage of the opportunities without succumbing to the siren calls of false security; and, finally, to advance a conventional stability proposal that serves our political as well as security interests in the long term.

As I have described, NATO is already hard at work pursuing this agenda. The success of the INF Treaty has taught us that a dialogue with the East can be constructive and produce tangible results when NATO engages in that dialogue confident in its military strength and political solidarity.

We do not need a new Alliance strategy -- the Alliance has reaffirmed that strategy as the basis of past success and as the necessary tool for shaping the future. We do need, however, to reaffirm the vitality of the US commitment just as we ask the Allies to reaffirm their commitment to the common defense.

As we pursue this agenda in the future, it is absolutely vital that the US sustain its leadership. We cannot -- and we ought not -- try to dictate what the Alliance does. But we can and should lead -- by example and by moral and political suasion. As others have already testified, one of the consequences of failure to ratify the INF Treaty on its own merits would be to cast a shadow over America's leadership.

Chairman NUNN. Thank you very much, Mr. Ambassador. I just have a couple of questions, and then I will turn to Senator Quayle.

Former Secretary Kissinger testified yesterday and gave a very thoughtful statement to the committee. While some of his statements seemingly conflict with some of yours, I want to probe those a little bit with you.

He said, and I quote him, "The situation is made more complex because in nearly every NATO country the consensus on defense and foreign policy has broken down."

He went on to say that there were possible exceptions, with the United States and France. But he was contending that if the opposition parties came into power in Britain and Germany, for the first time in NATO's existence, we would have a radically different approach to the whole question of security.

How would you either differ or agree with that statement?

Ambassador KEEL. Well, let me just say that I hope that he and I disagree on a number of things, since he does not find the INF Treaty to be in our security interests and I do.

With respect to the consensus in Europe on defense, I would not go so far as to say it has broken down. I would certainly say that times are not going to be any easier than they have in the past, and they could be more difficult, and that is a fairly ready conclusion.

If you just simply look at the fiscal environment, and I must say that frankly, and perhaps regrettably, the United States is looked at as a leader. And so when we do more, normally the result is the allies do more.

When we do less, the temptation is that they do less, even though one could argue that the reverse ought to be the case. So it is going to get difficult, to be very candid, in part, in addition, because we are doing less. As a consequence, it reduces my leverage, to be quite honest, to go to the allies and argue for them.

Chairman NUNN. I must say, I did not notice them doing a whole lot more in the 1981, 1982, 1983, 1984 timeframe, when we were increasing our defense spending by 50 percent in real terms.

Ambassador KEEL. I think, though, it is demonstrable that they would have done less than they did if we had not had the kind of effort that we had.

Chairman NUNN. That is pretty subjective and therefore very difficult to rebut. Only you know how much less they would have done.

I cannot tell you how much less. But when we increased, it did not seem to me they increased. I must say, though, when we decreased in the 1970s, with the Vietnam drawdown, they did not have a corresponding decrease.

Ambassador KEEL. No. I think in fairness, that is right. If you look over two decades, the 1970s and the 1980s, then you get a markedly different picture in terms of allied contributions.

In fact, on balance, over two decades, the real growth in non-U.S. NATO budgets has exceeded the United States. But I do not conclude that the consensus has broken down. I conclude that it is going to be a challenge to us to continue to maintain defense efforts, and ideally even improve them.

But our focus is going to have to be more and more, and it is, as I have indicated today, on more effective, more efficient use of those resources. If Dr. Kissinger were arguing that if all the opposition powers came into power, would the situation become worse? The answer is yes.

Because for the most part we have got those more conservative governments that are in power, most of which were in power when they supported the double track decision.

So it is a given, if the opposition forces come into power, being less conservative, that our ability to maintain that consensus is going to be more difficult.

Chairman NUNN. You mentioned that we do not need any new Harmel group, that NATO strategy, flexible response strategy, is pretty well set. And there is consensus on it and so forth.

I heard a good bit in France a week or two ago when I was there with Senators Byrd, Warner, and others, about the need for an updated Harmel report. It seems to me that you take the effort of a new Harmel report to be the equivalent of saying our flexible response strategy is no longer the correct strategy.

That is not what I heard when I was there, and that is not what I have heard in other areas. They are not questioning the strategy but questioning the political will behind it, in the post-INF environment.

I think everybody who has visited Germany and everybody who has visited France comes away with not quite as optimistic assessment as yours this morning, about the overall alliance consensus.

There is profound concern in some quarters of the alliance relating to what NATO is going to do in the post-INF era. It seems to me there is at least a plausible case for having some kind of Wise Man approach, or Harmel type update, without necessarily prejudging that it is going to result in a change in NATO strategy. Would you comment on that?

Ambassador KEEL. Well, yes. I would, as I say, argue against it, Mr. Chairman.

I think there have been references to an updated Harmel. When you get behind what they are calling for, what they are really calling for is not a new Harmel or even an updated Harmel.

Because no one wants to reconsider, reexamine, or reopen the principles of Harmel. Harmel is political strategy. Harmel says that we, as an alliance, have to maintain adequate forces for deterrence and for defense as a first task, principal task. And then as a second task, to explore improvements in East-West relations.

And we do that through military strength and political solidarity. So it has become known in shorthand, the Harmel message is that our political strategy is one of military strength, and political solidarity. No one wants to reopen that. Not at all.

So that is what concerns me when there are calls for a new Harmel or a Wise Man study, or even a Harmel update. What we need is to map our way ahead, to use an analogy, but we do not need a new map.

Harmel provides us the political strategy, and the NATO document known as MC 14/3 provides us the military strategy. And that is flexible response, with the essential role of nuclear deterrence.

So we need to decide our tactics within that strategy, both politically, principally politically. But we do not need a new strategy. And even those, as you have mentioned, for example, in France, and we have these discussions on an almost daily basis in Brussels, who might in shorthand refer to an updated Harmel, are not talking about a new Harmel and are not talking about in any way reopening that political strategy.

They are talking about better articulation, which certainly I support and have called for. They are talking about better defense, better justification, but not reconsideration of that strategy.

Chairman NUNN. I agree with your assessment on that. Therefore, why did you set it up in your statement as a call for a new strategy? That is not what they are calling for.

It seems to me there is a real need here to try to get a regenerated NATO consensus in the post-INF period. I found it rather encouraging that the French are willing to sit down and discuss that seriously now, and even anxious to.

It seems to me it opens up an opportunity, as long as you understand that we are not searching for a new strategy but a way to make the existing strategy more effective. You are not opposed to that kind of discussion, are you?

Ambassador KEEL. Absolutely not. In fact, what I meant to give you some sense of is that kind of discussion is ongoing. It is called paragraph 8. It is ongoing. The first part of that was to reaffirm our strategy.

Chairman NUNN. But another part of it was to discuss the reduction of nuclear weapons remaining in Europe to equal ceilings in conjunction with the reduction of conventional arms.

That "in conjunction with," is being read different ways in Germany, France, Britain, and the United States. Everybody has got their own interpretation of that. So it seems to me that one has got to be reexamined and also updated in the post-INF period.

I think that the Germans are going to want to talk about the question of nuclear modernization. As I understand Chancellor Kohl's view, it is not a question of whether we are going to modernize, but is is a question of where the priorities are. I think we are indeed in a different period and are going to have to discuss some of that.

The other thing I would observe, and then I will yield to Senator Quayle, is that flexible response is a very sound strategy if we could just carry it out. You have got the former Supreme Allied Commander, General Rogers, saying that if the Warsaw Pact invades with non-nuclear forces, then NATO has to respond with nuclear weapons in a matter, quoting him, of "days, not weeks."

I would submit to you, just for your response, that flexible response is a strategy more on paper than it is in reality. What he is describing is quick retaliation with nuclear weapons to a conventional attack. It seems to me that is not much flexibility.

Ambassador KEEL. Well, Senator, first of all, very clearly, flexible response has worked. I mean, it has deterred aggression for——

Chairman NUNN. But you could say massive retaliation worked too, but we shifted away from it.

Ambassador KEEL. Well, we did shift away from it because we did not think that was the preferred strategy.

Clearly we have to do more, as I alluded to in my remarks, to assure that we improve conventional forces. And I would be the last to argue that that is not the case. Just the opposite. I have just argued that it is the case.

But I would not go so far as to conclude it is just a strategy on paper. I do think it is a viable strategy. I think more importantly the Soviets think it is a viable strategy. And ultimately, that perception as well as the reality, is an important part of deterrence.

Chairman NUNN. The Soviets may think we still have a strategy of massive retaliation.

Ambassador KEEL. They may. I do not think they do, Senator. Because I think if they did they would not work as strenuously as they are working to try to force U.S. nuclear weapons out of Europe.

That is very clearly their objective. Because they do want to see if by so doing they can decouple, if you will, delink U.S. security interests from European security interests.

Chairman NUNN. Well, I would agree with that. I think of use of nuclear weapons almost on any level as being rather massive.

I am not talking about necessarily striking Moscow when the first tank comes across. I am talking about the immediate escalation to nuclear weapons. So I guess I ought to define my own terms more specifically.

But I do think that the turning to nuclear weapons at the very early stage of a conventional war is rather massive.

It is not very flexible.

Ambassador KEEL. If that were to have to be the case, that is massive, in the context you just defined it.

I would, however, encourage you to sit down, and I know you have done this some, but to sit down with the current SACEUR, who has the responsibility now of carrying out the strategy, and determine his own assessment of how viable that strategy is.

He has been in place now for a little less than a year. He is in the best position to judge, in fact, what our current capabilities are and what our current programs are.

Chairman NUNN. Thank you very much. Senator Quayle.

Senator QUAYLE. Thank you, Mr. Chairman. Let me just pick up on a couple points the chairman brought up.

First, I have not looked at the idea very closely of putting our verification procedures and confidence building and doing verification in a far different way with conventional forces, as Senator Nunn has.

Chairman NUNN. I do not want to pretend I have either. I am just thinking out loud with the Ambassador.

Senator QUAYLE. I am very intrigued with that idea. And it is a far more complicated thing. And it might have an impact, as he said, on the military if they knew some of these things were going to come first.

As I said, I have not given it much thought. But just sitting here and responding, I am inclined to think that we ought to look at that as a negotiating tool. I just think it makes a lot of sense because we have got to make, and you and I have talked about this, we have got to make some progress on this conventional arms control. We have got to get that on the front burner.

People keep saying, well, gee, we looked at MBFR for 15 years, and it is not a doable thing. I also agree with the chairman, I do not think that there is a whole lot of military incentive at all for the Soviet Union to negotiate on the conventional arms.

That is one of the things that I am somewhat skeptical of, once we do the things that the Soviets are clearly very interested in. START, chemicals, INF, get those beyond us.

Then they can try the triple zero, which I think is going to be very difficult in looking at the next decade, to resist. I hope we do not have it. I do not think we should have it.

But then we get all those things resolved and come down and start to talk about conventional forces. I do not know what leverage is left. We have heard the witnesses talk about the economy of the Soviet Union. That is certainly a factor. But I am not so sure how much of a leverage.

So this would give us sort of an angle to show some progress and to test sort of the Soviets' willingness fairly early on, before we actually get to some of the actual withdrawals and move back. So I just wanted to go on record with you. I have not talked to a lot, but I had not really put it in that kind of a context.

Let me pursue this Harmel report a bit, and to see what the objectives would be. You know, I have no problem, if in fact, as the chairman says, it is going to make the existing strategy more effective.

If that is the goal of Harmel, I am not exactly sure what that goal would be. I suppose that, and I know Chancellor Kohl, when he was over here, I think he might even have done it at Wehrkunde too. But when he was here he talked about a new Harmel.

I presume that in that report he wants to look at this whole modernization problem and figure our exactly how to do it. This would certainly give them some breathing room, which I think they are looking for right now.

You know, there is never a good time, in my judgment, to do the politically difficult things. And I do not think the Kohl government, in my judgment, is going to get stronger as time goes on.

I just do not see that from a political point of view. I do not think there is any short term consequences of that government. But looking down the road, I just do not think it is going to get politically stronger.

But if that would be part of the Harmel report, I suppose if that would end up being a way that we can figure out to go forward with modernization, that would be a good result.

I have a hunch that much of the objectives of a new Harmel or an updated Harmel report might be to figure out a way to really get into East-West trade and how we can, in fact, do more trade, technology transfer, credits, things of that sort.

Because if you look at the stated objectives, that certainly comes across as very apparent, that that would be somewhat of an objective of a new Harmel report, that we ought to get into more, far more East-West trade.

I wonder if you might just think a little bit further with us and try to help me out in thinking, what would be the end result of an updated or a new Harmel report? Is it going to be that we are going to look at East-West credit and technology much more?

Would that be probably an end result? Is it an objective to give the German Government perhaps more breathing room before they have to make a definite decision on modernization?

Now, what I picked up when I was over there, someone pointed out that really part of the problem with the modernization is not necessarily NATO, but Washington has to make the decisions in what they are going to go forward with too. And put the monkey back on our backs. And I think we have got to be very clear in this defense authorization bill what we are prepared to do.

What do you think that the end result would be on this updated Harmel report, if we go to an updated Harmel report?

Ambassador KEEL. Well, Senator, to be very honest, I would be fearful to embark on a task to update Harmel, and I would certainly be fearful to embark on a task that would be interpreted as potentially updating our military strategy.

It seems to me that as we strive for what works, as we strive for what might work better, we best not abandon what works. So the notion of calling for a new Harmel, and hence opening up the provisions that were agreed on 20 years ago, and have served this alliance so well, to reconsideration is not in our interests. It is not in our interests.

It could lead to some of the kinds of conclusions that you, in fact, alluded to here.

Senator QUAYLE. That is what I am trying to figure out. What the objectives and what the end result would be, if we opened it back up.

I do think anybody is seriously contemplating doing anything with flexible response. As you pointed out, it has worked. I think we need to improve upon it, particularly the early escalation, not to the nuclear weapons, but the early escalation of conventional weapons. And having conventional capability, once the attack starts, before we have to contemplate nuclear response.

So nobody wants to get back into flexible response. The political alliance, I mean I do not know many different ways that we can state what the political alliance and the political objectives of NATO are, and how our security is related to theirs.

And therefore I think we ought to figure out, before we get too far down the road, what are the objectives? What do we want to achieve? Obviously, in a general sense, and I certainly concur with what the chairman says, it is a way to get the existing strategy more effective. Certainly anything we can do to get the existing strategy more effective.

But I think that the two things that it seems to me quite apparent, maybe it is transparent, one is that maybe it would delay potentially this modernization decision. I think this could effectively have the impact of doing that.

And second, I think that the end run, or the conclusion, would be much more East-West trade, much more credits to the East, much more maybe even technology transfer, and these types of things.

Well, I am not so sure from our viewpoint if that is a good thing or not. And I just wonder if you have given much thought to figure where we would end up on it, if we get involved in this updated Harmel.

Ambassador Keel. I have given considerable thought to whether or not it is in our interests to open it back up. And I have come to the unequivocal conclusion that it is not.

I think some of the risks you have laid out very well. I would not, however, dismiss the first two. I would not dismiss the first two. The French do not ascribe to the doctrine of flexible response. They make no bones about that.

They are not part of the integrated military structure. But they are part of the political North Atlantic Council. So if the North Atlantic Council were taking on a task of relooking at Harmel, then I would not rule out those who would want to try to restate our military strategy as well. I do not rule that out.

With respect to the political strategy, I do not rule out some of the allies wanting to reverse, if you will, the emphasis put on Harmel. It is only three pages, very simple, very eloquent statement of principles.

The principle of which is that the Atlantic alliance has two main functions. Its first function, its first function is to maintain adequate military strength and political solidarity to deter aggression and other forms of pressure, and to defend the territory of member countries if aggression should occur.

The first principle, I agree with that. We all agree with that. But I would not rule out frankly, especially now in sort of the Gorbachev era, for those who might want to put up as a higher order of importance or even as a first principle the pursuit of better dialogue.

I think the lesson of INF is that that will not work. But I would not rule out the temptation, if we opened this back up, of those to put dialogue up ahead of the essential requirement of strength. So, I think it offers those two concerns, as well as the others that you have mentioned.

Senator Quayle. Let me ask another question. You spent some time during your testimony talking about the merits and effectiveness of the conceptual military framework, and how we are looking at missions now in NATO.

Where are we in the conceptual military framework on enhanced air defense and extended air defense? Are we making any progress in this area? I know it has been a source of discussion. Can you briefly bring us up to date on where we stand there?

Ambassador Keel. Yes. We are making some progress, Senator. It is slow.

Senator Quayle. Too slow, in my judgment.

Ambassador Keel. I would prefer, frankly, that it be accelerated as well.

Senator Quayle. What is our problem there?

Ambassador Keel. Well, I must say that very candidly there is still some political sensitivity to the perceived association of extended air defense with Strategic Defense Initiative.

The unfortunate characterization, which is inappropriate and inaccurate, that the Strategic Defense Initiative is somehow a Star Wars concept of taking nuclear conflict into space, which of course it is not, as you well know, that unfortunate characterization has made it a politically sensitive topic in Europe. That is a fact, and it is a well-known fact.

As a consequence of that, there has been some association, then, of the extended air defense efforts with SDI, although we have been careful to point out that these are separate programs. Obviously there will be some spinoff, if you will, from one program to the other, in the sense that you have got some common technologies involved.

But I think that is, as much as anything else, one of the hindrances in moving that effort forward. Then there is the ever-present problem, of course, of prioritization within constrained resources. That is an additional problem.

Senator **Quayle**. You heard Mr. Kloske talk about the competitive strategies task force, and getting some of the programs specifically moving along.

He mentioned the ATACMs fired from an MLRS, and there is going to be some other programs that are going to be identified that would go into what they call the NATO defense program.

I have talked to you about our NDI approach. How best can we communicate, cooperate, and coordinate with our European allies on some of these emerging programs that are going to enhance conventional defenses?

Are there a couple of specifics, or things in mind that we ought to do so they will not say, well, gee, this is just another American way to beef up our defense constituency and contractors here? And there is nothing really in it for Europe?

I know they are just very sensitive once we get over the arguments of whether we ought to have more effective conventional standoff capability, or we ought to have extended air defense, and get down to the nitty gritty, get beyond the conceptual arguments.

And once that is accepted, then they get into sort of the political nuances, well who is going to build it? Are we going to be involved in the R&D base? What are you really trying to do?

Could you give us a couple of hints that might help us with our allies over there on what we can and cannot do to promote this program?

Ambassador **Keel**. Let me respond on two levels. One, let me tell you procedurally how we go about it, and then let me tell you politically how we might accomplish it procedurally.

It can very easily and will be woven into the current planning system. It can show up, for example as one of the essential mission components in the conceptual military framework, identifying specific concepts that need pursued, and as a consequence, weapons.

That is procedural, and that is how you would track it, that is how you would use the political suasion of the institution, to try to advance those objectives.

Politically, the key really is on ultimately our ability to share technology. That is the attraction with our allies. The notion, frankly, that was referred to previously of getting our allies to buy a U.S. aircraft will not work. It simply will not work.

Coproduction is no longer enough for allied participation. They want codevelopment. And in fact, there are contractors in Europe who would line up to participate in a codevelopment effort, if they could get the kinds of technologies transferred that would make them an effective subcontractor or even a prime contractor in a codevelopment effort.

That then lends us all the way back around to a legitimate concern that we have with respect to ultimate East-West technology transfer that you alluded to previously. And that is, we have to be concerned about inadvertent technology transfer from West to East.

So these kinds of tradeoffs are ultimately where we are going to have to come to grips with whether or not we are going to be successful. And I think that is going to be the key to Mr. Kloske's efforts.

The key is going to be in the Pentagon. The key is going to be whether or not we can find that fine balance between safeguarding technologies and allowing sufficient East-West technology transfer to make codevelopment attractive.

If we can do that, I am convinced we can get enhanced cooperation from our allies, and we can get more of these specific weapons systems.

Senator QUAYLE. And that will solve the political problems.

Ambassador KEEL. And that will solve the politial problems. It is a tough question, Senator. But that is the key task of Mr. Kloske. That is the key task.

It is not to go out and convince them to buy an F-18 or an F-16. For the most part, you are not going to get that kind of decision made. Certainly the French are not going to abandon Rafale to buy F-18.

Now, you might get the French to go cooperative with the U.S. contractor on building that aircraft. In fact, they are willing to do it, and the U.S. contractor is willing to do it. But they have technology transfer barriers. So it is a tough question.

Senator QUAYLE [presiding]. Thank you, Mr. Ambassador. Senator Nunn had to leave to make a speech.

There are no other questions that I know of, so we will adjourn the committee hearing. And we thank you very much. Keep up the good work.

Ambassador KEEL. Thank you very much. My pleasure.

[Whereupon, at 12 noon, the hearing was adjourned.]

NATO DEFENSE AND THE INF TREATY

THURSDAY, FEBRUARY 25, 1988

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

COMPLIANCE WITH, AND ENFORCEMENT OF, THE INF TREATY

The committee met, pursuant to notice, at 2:14 p.m., in room SR-222, Russell Senate Office Building, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Levin, Dixon, Wirth, Thurmond, Humphrey, Quayle, and Wilson.

Staff present: Arnold L. Punaro, staff director; Jeffrey H. Smith, general counsel; Patrick A. Tucker, minority counsel; Andrew S. Effron, counsel; Kathryn E. Bognovitz, special assistant; Robert G. Bell, Robert F. Bott, Brian D. Dailey, Sherri Wasserman Goodman, Ronald P. Kelly, Michael J. McCord, and Frederick F.Y. Pang, professional staff members; Tiffany E. Berger, Lori M. Jackson, Kathleen L. McGuire, and Pamela G. Powell, staff assistants.

Also present: Jeffrey B. Subko, assistant to Senator Exon; Gregory B. Craig, assistant to Senator Kennedy; Donald A. Mitchell, assistant to Senator Glenn; Terrence Lynch, assistant to Senator Shelby; Robert P. Savitt, assistant to Senator Cohen; James M. Bodner; assistant to Senator Cohen; Mark J. Albrecht, assistant to Senator Wilson; and Anthony H. Cordesman, assistant to Senator McCain.

OPENING STATEMENT BY SENATOR CARL LEVIN, PRESIDING

Senator LEVIN [presiding]. On behalf of our chairman, Senator Nunn, and the full committee, let me give you a particularly warm welcome, Ambassador Nitze. We have had Ambassador Glitman with us before. We again welcome you back as well.

Senator Nunn and Senator Warner are meeting with President Reagan at the White House, but they expect to be able to join us shortly. We know you understand.

Ambassador Nitze needs no introduction to members of this committee. He has played an important role in the negotiation of the INF Treaty, and his testimony today will make a valuable contribution to our deliberations.

Ambassador Glitman is joining him, and on behalf of the committee, we thank you, Ambassador Glitman, for again making yourself available to answer any questions that we might have.

Both our Ambassadors need to leave at about 4, we understand. The subject of today's hearing is verification, compliance, and enforcement policy under the INF Treaty regime.

These are some of the most important issues that the Senate must consider as it proceeds with the ratification of the INF Treaty. While we may all agree that this treaty's verification provisions break new ground, the Senate must still address itself to the basic question of whether in this case better verification equals effective verification.

Furthermore, no matter how favorable the terms of the INF Treaty or comprehensive its verification regime, without an effective compliance and enforcement policy, this treaty will not serve the long-term security interests of the United States.

Achieving effective compliance and enforcement is a complex task requiring careful coordination and consensus between the administration and Congress. It is an effort in which the executive branch must necessarily take the lead. But ultimately it will take the dedicated efforts of both branches of government to achieve this goal.

We all look forward to hearing from you, Ambassador Nitze, as to how the administration plans to address these issues. Now I will have Senator Dixon's statement submitted for the record at this point.

Statement by Senator Alan J. Dixon

Mr. Chairman, I am very pleased to welcome Ambassador Paul H. Nitze before this committee today. Ambassador Nitze is uniquely qualified to discuss the INF Treaty and its' verification provisions.

We have heard testimony from many witnesses both for and against the ratification of this treaty. Mr. Richard Perle and Mr. Frank Gaffney have both proposed significant modifications to this treaty that they say will close loopholes and reduce the possibility of Soviet cheating. Other witnesses have warned that any change to this treaty will be "killer" amendments.

I have listened to all sides with interest. I can assure you and others that this committee will carefully review the record of these hearings and the volumes of nogotiation records provided by the administration before we make a judgment on the soundness of this treaty. I support arms control. However, I will only support a good treaty that accomplishes real arms reductions without jeopardizing the security of the United States and its allies.

If the INF Treaty is a good treaty, then I expect the Senate to ratify it. This, however, must not be the end but the beginning of arms control efforts. We must move forward with a strategy for reducing the conventional arms imbalance in Europe. The conventional superiority of the Warsaw Pact and proposed fixes have been key issues in these hearings. This is a vital issue for the NATO Alliance and must be pursued by the Armed Services Committee in future hearings.

I look forward to Ambassador Nitze's contribution to the debate.

Thank you Mr. Chairman.

We will turn it over directly to you, Ambassador Nitze. And again, our warm welcome to you.

STATEMENT OF HON. PAUL H. NITZE, AMBASSADOR AT LARGE AND SPECIAL ADVISOR TO THE PRESIDENT AND THE SECRETARY OF STATE ON ARMS CONTROL MATTERS, ACCOMPANIED BY HON. MAYNARD G. GLITMAN, CHIEF NEGOTIATOR, INTERMEDIATE-RANGE NUCLEAR FORCES [INF] TREATY

Ambassador Nitze. Thank you, Mr. Chairman. I have submitted an extended statement, which I hope will be added into the record.

Senator LEVIN. It will indeed.

Ambassador NITZE. So I would like to make some brief remarks summarizing that statement.

Mr. Chairman, I am pleased to be here today to testify in support of the INF Treaty. I have prepared testimony, which I provided for the record of this hearing, which describes the verification regime mandated by the treaty, and explains why I believe that regime will allow us effectively to verify Soviet compliance with the obligations established by the treaty.

In these remarks, I would like to summarize my views. Since this administration began arms control negotiations with the Soviet Union, we have insisted that any agreement must be effectively verifiable to ensure that it can achieve its purpose. And that purpose is to improve stability and make a lasting contribution to peace and to security. President Reagan has made it clear that he would settle for nothing less.

We define effective verification as being sure that if the other side moves beyond the limits of the treaty in any militarily significant way, we would be able to detect such violation in time to respond effectively, and thereby deny the other side the benefit of the violation.

Of course, our ability to detect and respond to violations helps to deter the other side from committing them in the first place.

In order to achieve an effective INF verification regime, we aimed to achieve several goals. Our first goal was to ensure that the treaty establishes precise, unambiguous obligations.

The parties are required to eliminate all their INF missiles and launchers, whether deployed or non-deployed, according to detailed specifically agreed upon procedures. Thus, if even a single Soviet INF missile or launcher is observed after the elimination period, that will constitute clear, unequivocal evidence of a violation of the treaty.

The treaty also requires the parties to eliminate, according to specified procedures, elements of the INF infrastructure, including certain structures, support equipment, and missile-related activity at facilities that make the INF missile system a viable military force.

Finally, it bans upon entry into force any further production of INF launchers or missiles and any further flight testing of INF missiles, either of present types or new types.

Second, we created in the verification regime a network of interrelated constraints and measures that enhance significantly our ability to monitor treaty-related activities.

These measures enable us to verify Soviet declared numbers of INF missiles, launchers, and support equipment to account for them while they await elimination, to ensure they are eliminated, and to strengthen our ability to detect any other such items that might be clandestinely maintained in the future.

The measures include exchanges of data, continuously updated, and the numbers locations and technical characteristics of INF missiles, launchers, support structures and equipment, and related facilities. They also include restrictions on the location and movement of missiles and launchers.

They incorporate several types of on-site inspections: baseline inspections to confirm the validity of the data provided by the other side initially after the treaty enters into force; elimination inspections to observe the elimination of missiles, launchers, support structures, and equipment; closeout inspections, to verify the elimination of missile operating bases and missile support facilities; and short notice inspections to confirm the number of treaty-limited items at declared sites, prior to their elimination, and to help ensure that treaty-limited items are not returned to declared sites after their elimination.

Other measures include continuous portal monitoring of the SS-25 final assembly plant at Votkinsk to confirm that no INF missiles or missile stages are leaving the plant disguised as SS-25s, and agreed procedures for enhancing the capability of national technical means to monitor SS-25 bases that are not former INF bases, which, combined with short notice on-site inspections of SS-25 bases that are former SS-20 bases, will increase our confidence that the Soviets are not attempting to use an SS-25 base to maintain SS-20s.

Finally, there is a prohibition on interference with verification by national technical means, which enhances our likelihood of detecting illegal activity at locations other than SS-25 bases or former INF facilities.

Our third goal was to increase the cost, complexity, and probability of detection of Soviet cheating, and thus help deter it. The treaty does this by eliminating elements of the INF infrastructure identified as crucial to supporting INF missiles and launchers and by banning the activities, including repair, storage, production, and flight testing that are necessary to support a militarily significant INF force.

This does not, of course, guarantee that some INF missiles cannot be hidden away somewhere within the great expanses of the Soviet Union. No verification regime could provide such assurance.

It does, however, ensure that the Soviets could maintain a clandestine, militarily significant force only at great cost and risk, and with steadily decreasing reliability.

Faced with these obstacles, the Soviets should conclude that the costs and risks of detection are too high compared to any benefits. This in turn should help to deter them from violating the treaty.

Our fourth goal was to provide reliable procedures and channels for pursuing resolution of any treaty compliance problems that might arise in the future. The treaty does this by establishing the Special Verification Commission.

If the United States detects suspicious activity on the part of the Soviet Union at any place or any time, we can request a meeting of the Special Verification Commission to address our concerns. And the Soviets will be obligated to attend.

We cannot, of course, force the Soviets adequately to explain or to correct instances of suspicious activity.

But both sides are obliged to respond to concerns of the other side, and there are consequences for failure to do so.

These consequences reflect the final aspect of our verification policy, our approach to uncorrected Soviet non-compliance.

Treaty provisions that make violations complex and costly, and monitoring rights that create a significant risk that they will be detected, help to deter potential Soviet violations.

The encouragement of compliant Soviet behavior goes beyond treaty language. It rests as well on Soviet belief that the United States has the will to take firm action in response to violations.

We have demonstrated such determination in several ways. We have reacted vigorously to questionable Soviet activities in the bilateral compliance forum, through diplomatic channels, our reports to the Congress on Soviet non-compliance, and our extensive consultations with our allies.

Where we have determined that a violation has occurred, we have demanded corrective action. Where we have concluded that our efforts to elicit corrective action have failed, as with Soviet violations of SALT II, we have taken appropriate and proportionate responses.

As a result of our approach to questionable Soviet activities in the past, the Soviets should understand well that any non-compliance with the INF Treaty will produce a determined U.S. response.

Beyond the value of the treaty's verification provisions for enabling us effectively to verify Soviet compliance with treaty obligations are certain other benefits that should not be overlooked.

Among these are the precedential value for other arms control negotiations, the expertise we will gain from implementing this regime, and the increased openness created by the verification provisions which promise to produce an environment in which the potential for misunderstanding and miscalculation is significantly reduced.

Mr. Chairman, in establishing its requirements for an acceptable arms control agreement at the beginning of its term, this administration sets a high standard for verification.

We insisted that any treaty would require verification measures going far beyond anything that had been negotiated before. In response to resistance from the Soviets and skepticism about negotiability from other quarters, we held to our views.

Now we have achieved our goal. We have the most comprehensive and intrusive verification regime of any arms control agreement in history. If the INF Treaty is ratified and implemented, we will be able effectively to verify Soviet compliance with its provisions. Thank you, Mr. Chairman.

[The prepared statement of Ambassador Nitze follows:]

STATEMENT BY
AMBASSADOR PAUL H. NITZE
ON
THE INF TREATY AND VERIFICATION

Mr. Chairman:

I am pleased to be here today to testify in support of the INF Treaty. In my prepared remarks, I would like to describe the verification regime mandated by the Treaty and to explain why I believe that regime will allow us effectively to verify Soviet compliance with the obligations established by the Treaty.

The Requirement for Effective Verification

Since this Administration began arms control negotiations with the Soviet Union, we have insisted that any agreement must be effectively verifiable if it is to improve stability and to make a lasting contribution to peace and security. President Reagan has made it clear that he would settle for nothing less.

What do we mean by effective verification? We mean that we want to be sure that, if the other side moves beyond the limits of the Treaty in any militarily significant way, we would be able to detect such violation in time to respond effectively and thereby deny the other side the benefit of the violation. Of course, our ability to detect and respond to violations helps to deter the other side from committing them in the first place.

How Effective Verification is Achieved

In order to achieve an effective INF verification regime, the Administration set the following negotiating goals:

- establishment of obligations that are defined as precisely as possible;
- negotiation of cooperative measures (such as on-site inspection, locational restrictions on Treaty-limited items and enhancements of national technical means) and provisions providing for unimpeded use of unilateral measures (such as satellite imagery and other national technical means) that will significantly enhance our ability to monitor Treaty-related activities;
- negotiation of provisions that, combined with the aforementioned measures, will increase the cost, complexity, and probability of detection, of Soviet cheating, and thus help deter it.

We also wanted to establish reliable procedures and channels for pursuing resolution of any Treaty compliance problems.

Finally, we recognized the need to demonstrate our determination to adopt appropriate countermeasures in the face of uncorrected Soviet violations, should any occur.

The INF Treaty satisfies the first four requirements by establishing precise, unambiguous obligations, by creating a network of interrelated constraints and measures that allow careful monitoring and reinforce one another in such a fashion as to raise the cost and difficulty of cheating and the risk of getting caught, and by creating a mechanism for addressing compliance concerns. The final goal is served by the US Government's compliance policy.

Precise Treaty Obligations

The primary obligation of the INF Treaty is clear and unambiguous precisely because of its sweeping nature: the parties are required to eliminate within eighteen months all of their shorter-range (500-1000 KM) missiles and launchers, and within three years all of their intermediate-range (1000-5500 KM) missiles and launchers. These missiles and launchers are to be eliminated according to detailed, specifically agreed-upon procedures.

At the end of three years, the entire class of US and Soviet INF missile systems, whether deployed or non-deployed, must be totally eliminated. Thus, if even a single Soviet INF missile or launcher is observed after the elimination period, that will constitute clear, unequivocal evidence of a violation of the Treaty.

The Treaty also requires the parties to eliminate elements of the INF infrastructure, including certain structures, support equipment, and missile-related activity at facilities, that make the INF missile systems a viable military force. It clearly identifies each of these elements and establishes precise procedures for either destroying it or, in the case of certain INF facilities, converting it to non-INF uses.

Finally, the Treaty bans upon entry into force any further production of INF launchers or missiles and any further flight testing of INF missiles, either present types or new types.

Monitoring Treaty-Related Activities

To enhance significantly our ability to monitor Treaty-related activities, we negotiated an extensive set of rigorous measures enabling us to verify Soviet-declared numbers of INF missiles, launchers and support equipment, to account for them while they await elimination, to ensure they are eliminated, and to strengthen our ability to detect any other such items that might be clandestinely maintained in the future.

Establishing a Baseline Count of INF Missiles, Launchers and Support Equipment

To establish a reliable baseline count of the declared Treaty-limited items of the other side, we incorporated the following measures:

-- An initial exchange of data, recorded in a Memorandum of Understanding (MOU), on the numbers, locations and technical characteristics of INF missiles, launchers, support structures and equipment, and related facilities. This exchange has occurred, with data current as of November 1, 1987, and the data provided by the Soviet side is, on the whole, within the bounds of our intelligence estimates.

-- An update of this data, to occur 30 days after the Treaty enters into force.

-- A series of baseline, on-site inspections during the period from 30 to 90 days after entry into force to confirm the validity of the updated data. These inspections will occur at key missile support facilities (other than production facilities) and bases listed in the MOU; in addition to the US and the Soviet Union, they are located in Belgium, the Federal Republic of Germany, Italy, the Netherlands, the

United Kingdom, the German Democratic Republic, and Czechoslavakia.

Accounting for Treaty-Limited Items While They Await Elimination. The process of eliminating declared Treaty-limited items will extend over three years from entry into force. During this period, we will account for these items through the following measures:

-- Continuous updates of the data exchanged between the sides, to reflect, among other things, the net effect of elimination activities. This will include a complete update every six months.

-- Restrictions on the location of missiles and launchers to agreed facilities and deployment areas declared in the data exchanges.

-- Restrictions on the movement of missiles and launchers. Such movements will be permitted only between or among declared support facilities and deployment areas or to elimination sites, and a side must notify the other of such transits within 48 hours after their completion. These notifications must include the numbers of missiles and launchers moved, the mode of transport, the points, dates and times of departure and arrival, and the locations and time at those locations of transported items at least every four days during transit.

-- Short-notice, on-site inspections to confirm the number of Treaty-limited items at declared sites. During the three-year elimination period, each side will be allotted 20 inspections per year for this purpose and also to inspect declared sites at which INF activity already has ceased. We and the Soviets have agreed on standardized procedures for such inspections, to include the size and makeup of inspecting teams, means of facilitating their movement and operation, permitted inspection equipment, boundaries of the inspection sites, and the rights of the inspectors at the sites. Most importantly, we have agreed on provisions designed to ensure that these inspections are truly short-notice. The Soviets will not know where such an inspection will take place until after the inspection team has arrived in the USSR. Once the location is revealed to the Soviets, they must prohibit movement of Treaty-limited items from the site within one hour and they must ensure that the inspection team can arrive at the site in question within 9 hours.

Ensuring Treaty-Limited Items are Eliminated. The measures for verifying the elimination of Treaty-limited items are as follows:

-- Advance notification each time elimination is to occur, including the date and location of the elimination and, for missile systems, the number and types to be eliminated.

-- Elimination of missiles, launchers and support equipment only at specified elimination facilities.

-- Mandatory on-site inspection to observe the elimination of missiles and launchers. As I indicated earlier, detailed procedures for the destruction of missile systems have been established; inspectors will observe these procedures, and the inspecting party must confirm in writing that the systems have been eliminated.

-- On-site inspection to confirm the elimination of INF support structures and equipment by agreed procedures for destruction or conversion.

-- On-site closeout inspections to verify the elimination of missile operating bases and missile support facilities by the removal or destruction of all Treaty-limited items and the cessation of all INF-related activities.

Detecting a Clandestine INF Force. Even after all INF missiles, launchers and related support equipment and facilities declared in the MOU have been eliminated, we must still be concerned lest there be any Soviet attempt clandestinely to maintain an INF force.

Were the Soviets to make such an effort, they might try to take advantage of the assets remaining at their former INF facilities or to exploit their SS-25 ICBM force, which uses a missile stage similar to an SS-20 stage and is deployed at some former SS-20 bases. As means of detecting such eventualities or other attempts to maintain a clandestine force, the Treaty includes the following measures:

-- Short-notice inspection of sites previously declared to be INF sites and subsequently eliminated, i.e. formerly declared sites. These inspections would help ensure that Treaty-limited items had not been returned to the inspected sites. During the three-year elimination period, these inspections will be included in the quota of 20 short-notice inspections per year that applies also to still-existing facilities. After the elimination period, these inspections will continue for ten years, with an annual quota of 15 per year for the first five years and ten per year for the final five years. The procedures for these inspections will be as I outlined earlier.

-- Inspection by means of continuous portal monitoring, for up to 13 years after the Treaty enters into force, of any ground-launched ballistic missile final assembly facility at which missiles with stages outwardly similar to stages of a Treaty-limited missile are assembled. Under this provision, the US is permitted to monitor the Soviet SS-25 final assembly plant at Votkinsk. Our inspectors will monitor all SS-25 ICBMs that exit the Votkinsk facility and will have the right to use various types of sensors to confirm that no INF missiles or missile stages are leaving the plant disguised as SS-25s. If a side has no facility that meets the definition in this provision, the other side is permitted to monitor one agreed former missile production facility. Accordingly, the Soviets will monitor a missile production plant in Magna, Utah, where rocket motors for US Pershing missiles were formerly produced.

-- Agreed procedures for enhancing the capability of national technical means to monitor SS-25 bases that are not former INF bases and therefore not subject to short-notice on-site inspections as formerly declared facilities. These procedures include the right to request six times a year, on short notice, an open display of SS-25s at their bases for 6 hours. Combined with short-notice, on-site inspections of SS-25 bases that are former SS-20 bases, these procedures will increase our confidence that the Soviets are not attempting to use an SS-25 base to maintain SS-20s.

-- A prohibition on interference with verification by national technical means. This provision enhances our likelihood of detecting illegal activity at locations other than SS-25 bases or former INF facilities.

Deterring Soviet Violations

As I stated earlier, our third goal for the INF verification regime was to negotiate provisions that, combined with the monitoring measures, will increase the cost, complexity, and probability of detection of Soviet cheating, and thus help deter it. The INF Treaty does this by eliminating elements of the INF infrastructure and banning the activities that are necessary to support a militarily significant INF force.

Structures identified as crucial to supporting INF missiles and launchers will be eliminated by agreed procedures so they cannot be used for INF systems.

Activities associated with INF facilities will cease. Repair, storage and deployment of INF missiles will not be permitted once all missile systems are eliminated. Production and flight testing will be banned.

And these restrictions will be monitored according to the procedures I have outlined.

This does not, of course, guarantee that some INF missiles cannot be hidden away somewhere within the great expanses of the Soviet Union. No verification regime could provide such assurance. It does, however, ensure that the Soviets could maintain a clandestine, militarily significant force only at great cost and risk, and with steadily decreasing reliability.

One of the most difficult problems for the Soviets would be the requirement to flight-test the missiles to avoid a degradation in their reliability, which would increase over time. Such testing would involve great risk, since the Treaty's ban on flight testing is readily verifiable by national technical means. Without the ability to flight-test the missiles, the Soviets would question the effectiveness of these forces and their military value, especially over time.

Faced with this and other obstacles, the Soviets should conclude that the costs and risks of detection are too high compared to any benefits. This, in turn, should help to deter them from violating the Treaty.

A Compliance Forum

Should Treaty compliance problems arise in the future, we wanted to have in place reliable procedures and channels for pursuing resolution of those problems. This goal is satisfied by Article XIII of the Treaty.

Article XIII establishes the Special Verification Commission, and specifies that the Commission will meet whenever either side requests a meeting. It further specifies that the purposes for such a meeting will be to resolve questions relating to Treaty compliance and to agree upon such measures as may be necessary to improve the viability and effectiveness of the Treaty.

Under this provision, if the US detects suspicious activity on the part of the Soviet Union at any place or at any time, we can request a meeting of the Special Verification Commission to address our concerns, and the Soviets will be obligated to attend. At the meeting, we can indicate our concerns and request an explanation and, if appropriate, corrective action. If we deem it necessary, we can also propose new measures to supplement or clarify the Treaty's provisions.

We cannot, of course, force the Soviet Union adequately to explain or to correct instances of suspicious activity. But both sides recognize their obligation to respond to concerns of the other side, and they realize that there are consequences for a failure to do so. These consequences reflect the final aspect of our verification policy, our approach to uncorrected Soviet noncompliance.

Response to Noncompliance

Our final goal for INF verification was to demonstrate our determination to adopt appropriate measures to protect US and allied security in the face of uncorrected Soviet violations, should any occur. As I have explained, Treaty provisions that make violations complex and costly, and monitoring rights that create a significant risk that they will be detected, help to deter potential Soviet violations. But the encouragement of compliant Soviet behavior goes beyond Treaty language; it rests as well on Soviet knowledge that the US has the will to take firm action in response to violations.

We have demonstrated such determination in several ways. We have reacted vigorously to questionable Soviet activities in the bilateral compliance forum, through diplomatic channels, in our reports to the Congress on Soviet noncompliance, and in our extensive consultations with our allies. Where we have determined that a violation has been committed, we have demanded corrective action. And where we have concluded that our efforts to elicit corrective actions have failed, as with Soviet violations of SALT II, we have taken appropriate and proportionate responses.

We are still faced, unfortunately, with Soviet noncompliance with the ABM Treaty, most notably in the instance of the Krasnoyarsk radar. The Soviets have halted further construction of that radar, but the violation will continue to exist until the radar is effectively dismantled. We will continue to insist that the Soviets deal with that violation satisfactorily. However, because the INF Treaty provides us substantial security benefits in its own right, and because INF systems are not directly related to strategic ballistic missile defenses, it is our judgment that immediate implementation of the Treaty would be in the net security interest of the US and its allies.

As a result of our approach to questionable Soviet activities in the past, the Soviets should understand well that any noncompliance with the INF Treaty will produce a determined US response.

Benefits for the Future

Beyond the value of the Treaty's verification provisions for enabling us effectively to verify Soviet compliance with Treaty obligations are certain other benefits that should not be overlooked. One such benefit is the precedential value for other arms control negotiations. The US is currently seeking

Soviet agreement to on-site inspection and other cooperative and intrusive measures in a number of areas, including strategic arms reduction, nuclear testing, and conventional arms control. Having established a regime employing such measures in the INF Treaty, we should find it easier to negotiate similar measures in these other areas.

An example of the precedential value of the INF regime was provided during the recent Summit, when the Soviet side agreed readily to a partial list of verification measures for START that was derived in part from those established for INF. These measures, incorporated into the Summit Joint Statement, include data exchanges, baseline and elimination inspections, continuous on-site monitoring of the perimeter and portals of critical production and support facilities, short-notice on-site inspections, prohibitions on interference with verification by national technical means, and measures to enhance observation by national technical means.

Of course, specific limits in the START Treaty, as well as in other treaties, will require their own verification provisions. In START, because weapons systems would be limited, not banned, because infrastructures would not be removed, and because continued testing would be allowed, the challenge to design truly effective verification will be much more difficult and the verification requirements even more stringent.

The Administration is continuing to study this problem as it works to flesh out the full regime that will be necessary for effective verification of a START Treaty. Nevertheless, the INF Treaty provides an excellent base on which to build.

Another benefit of the INF regime is the experience we will gain from implementing it. This experience will be valuable in designing verification packages for other agreements.

The US and the Soviet Union will receive their first technical and political experience in using the systematic application of on-site measures to supplement national technical means of verification. This experience should guide us well in devising the best possible verification regimes in the future.

Finally, there is the more general benefit deriving from the increased openness created by the verification provisions. In the data exchange alone, the Soviets are providing us with information about their military programs far more extensive than anything they have previously disclosed. Coupled with the wide range of inspections mandated by the Treaty, this promises to produce a more open environment in which the potential for misunderstanding and miscalculation is significantly reduced.

Conclusion

Mr. Chairman, in establishing its requirements for an acceptable arms control agreement at the beginning of its term, this Administration set a high standard for verification. We insisted that any Treaty would require verification measures going far beyond anything that had been negotiated before. In response to resistance from the Soviets and skepticism about negotiability from other quarters, we held to our views. Now we have achieved our goal; we have the most comprehensive and intrusive verification regime of any arms control agreement in history. If the INF Treaty is ratified and implemented, we will be able effectively to verify Soviet compliance with its provisions.

Senator **Levin**. Mr. Ambassador, thank you. Frank Gaffney yesterday testified before the committee, and I would like to ask you, or Ambassador Glitman, perhaps, to comment on some of the questions that he raised relative to verification.

First is the question about the potential for the use of Soviet launchers in violation of the treaty, and this is what he said.

> Instead of a situation in which evidence of the USSR retaining a single SS-20 launcher, for instance, would constitute grounds for charging the Soviets with a violation, we would be faced under this provision with a far more daunting, if not impossible task.
>
> We must prove that any of hundreds of launchers observed in the Soviet Union have not had their treaty-dictated modifications reversed, or are otherwise available to launch SS-20s.

And the question is why we did not insist on cutting in half the Soviet SS-20 launcher chassis? And does not the provision requiring only the removal of the erector mechanism and the chopping off of the last two feet of the chassis create problems for U.S. monitoring capabilities?

Ambassador **Nitze**. I believe that those provisions with respect to the handling of the launchers were considered by our people to be adequate, and that we got what we wanted. But I would like to have Ambassador Glitman deal with that in greater detail.

Ambassador **Glitman**. Thank you, Mr. Chairman. Yes, I would be happy to.

The history of this, of course, is that we and the Soviets sat down and worked out together the procedures for eliminating the treaty-limited items, and specifically in this case the launchers.

We concluded that if the Soviet launchers were cut at a particular place on the chassis, if the mountings for the erector-launcher mechanisms were cut off, removed entirely, if the pedestals upon which the launcher has to rest when it is erected are removed, if those things are done, that that particular launcher cannot be used again for launching a missile, that it would no longer have the structural integrity necessary to perform that function.

This was looked at by our engineers, based on our knowledge of the Soviet systems, understanding of them, and we are confident that those systems, those launchers cannot be used again as launchers, once they are eliminated in this fashion.

Senator **Levin**. How will we be able to tell from observing a launcher that they have not had their treaty-dictated modifications reversed?

Ambassador **Glitman**. We are going to be present during the process of elimination. Therefore, we will be there when the launchers are eliminated via this method.

We will be able to check off each launcher and note that it has been eliminated. It is our belief, based on engineering work, that they cannot in fact use them again for launchers.

Senator **Levin**. In other words, it cannot be reversed? They cannot add back that two feet, and you cannot put the pedestal back on, and cannot do the other things which they have done in your presence? They cannot undo what they have done in your presence?

Ambassador **Glitman**. They cannot undo it. The structural integrity of that piece of equipment will be gone, will be lost as a result of this cutting.

Senator **Levin**. Mr. Gaffney also testified to the following, that

> In agreeing to the Soviet Union's demand that the accord permit them to dispose of at least 100 INF missiles by flying them to destruction, we have seriously compromised this feature of the INF accord.
>
> Indeed, we have offered the Soviets through this device an opportunity to design a de facto flight test program, so as to maximize their knowledge and confidence in any covertly stockpiled missiles.

The question is, have we left open the door for the creation of a clandestine test program?

Ambassador **Nitze**. The period of time within which they can flight test these 100 missiles is limited. I believe it is 3 months.

Ambassador **Glitman**. Six.

Ambassador **Nitze**. Six months. So they have to do it during the first 6 months.

Obviously, they could be doing it now. There is nothing to prevent them from doing that sort of thing, prior to the time that the treaty enters into force.

But it seemed to us that within a period after that 6 months, they would progressively lose the confidence that comes from a program of testing. So we felt this was an entirely acceptable solution to the problem. Do you want to add to that?

Ambassador **Glitman**. I would be happy to. First of all, they have been flight testing these missiles for over a decade. An additional 6 months of flight testing would not add that much to their knowledge of the missiles.

Second, the launching will take place under on-site inspection. Third, there will be no telemetry data permitted, and therefore, in our view, this provision will not result in the Soviets gaining any valuable information in terms of flight testing.

Senator **Levin**. A final question relative to yesterday's testimony. And that is a question about a data gap allegation.

Mr. Gaffney's testimony was as follows, that "If the Soviets were to tell us in the data exchange supplied 30 days after the treaty enters into force that they have eliminated hundreds of INF missiles before we were entitled to exercise our right to monitor such elimination, we would have as a practical matter no recourse but to accept their claims."

What is your comment on that?

Ambassador **Nitze**. I will ask Ambassador Glitman to respond to that.

Ambassador **Glitman**. Again, Mr. Chairman, we will have an opportunity for an on-site inspection of the data as it is presented to us by the Soviets after the treaty enters into force.

We did not have an opportunity for on-site inspection of the data presented in the MOU, because there is no treaty in force which would permit that.

The Soviets have begun some activity, so have we. And incidentally I noticed that, we talked about, when I was up here the last time, about the Soviet forces in East Germany and Czechoslovakia, and I pointed out that this was something that they might carry out, and they have.

But what is interesting is that they are going to withdraw the SS-12s from those two countries, as Mr. Gorbachev had said publicly he would do after signature of the treaty. And in an official statement by Tass, they say the missiles will be withdrawn in February-March 1988 to the territory of the U.S.S.R. to places designated in the memorandum of the accord on the establishment of initial data in connection with the treaty.

The significance of that is that I think the question was raised, well, what if they take these missiles to some other place? And I think it is clear from this that they will take them to a place which is in the MOU, and thus will be subject to the on-site inspection.

The basic point of concern has to be whether they can have a covert force. And that is a point that Ambassador Nitze spoke to in his formal statement.

We do not believe it is possible for them to maintain a covert force, whether they were to try to maintain it by not actually eliminating, or whether they produce more than they said they produced.

The question is, can they maintain a covert force? And our view is, they cannot. They cannot sustain such a force without production, without flight testing, and in the zero environment.

In addition, I think it is fair to say that we believe there will be no difficulty between the sides exchanging information on just what happened between the first of November and the time of that initial data exchange.

We have ourselves, as I pointed out, eliminated some of our Pershing missiles. We will probably do a few more elimination tests to make sure we know how to go about that. We are going to have to explain what happened to them. And we anticipate the Soviets will have to explain what happened to any of theirs that are eliminated.

Senator LEVIN. Thank you, Ambassador. Senator Quayle.

Senator QUAYLE. Thank you, Mr. Chairman. Ambassador Nitze, I would like to focus in this issue of the ground-launched cruise missile and the conventional ground-launched cruise missile.

Who was pushing for banning both or banning the conventional cruise missile at the talks? Was this a Soviet proposal that we ban the conventional cruise missile because of verification? Or was this an American proposal?

Ambassador NITZE. Let me deal with this at somewhat greater length, Senator Quayle. Many factors led to the U.S. Government decision to ban conventionally-armed ground-launched cruise missiles.

It is important to remember what the issue was not about. It was not about whether to permit actual deployment of conventionally-armed ground-launched cruise missiles, nor was it about whether to withdraw from Europe previously deployed systems.

Rather, the decision to be made was whether or not to protect the option for deploying conventionally-armed GLCMs. At the time of the decision, the United States and NATO did not, and do not have today, any specific plans or military requirements for conventionally-armed GLCMs.

Senator QUAYLE. Let me just stop you there and ask a question. We do not have any present requirement or plans. Do you know how close we were to establishing a formal requirement for a conventional ground-launched cruise missile?

Ambassador Nitze. I do not personally know it. I know there was some discussion about it.

Senator Quayle. In my conversations that I had with Jack Galvin, the SACEUR, he told me, this would have been in the August-September time for reference, when I think the decision was made to go ahead and ban the conventional cruise missile, that they were about 90 percent there to establish a formal requirement for a conventional cruise missile. Did you know that?

Ambassador Nitze. I did not know that. I am not sure whether others knew it or not. General Galvin did not tell me that.

Senator Quayle. Did anybody ask him?

Ambassador Nitze. I do not know the answer to that. Do you know, Ambassador Glitman?

Ambassador Glitman. Well, I do know that General Galvin received all of our telegrams from the negotiations.

Senator Quayle. I am just curious if anybody asked SACEUR whether this was a requirement and how close we were to formulating a requirement.

Ambassador Nitze. There was a discussion, I know, within the services and the JCS.

Senator Quayle. I think you will find out if my information is correct that no one did ask him how far along we were on establishing a requirement, and I would just think that that might have been somewhat valuable information to our negotiators, that we were 90 percent there to establish this requirement for a conventional cruise missile.

Ambassador Nitze. I do not believe it would have been established solely on General Galvin's recommendation. I think it would have gone from Galvin up to higher authority within the services, and eventually to the JCS.

Senator Quayle. But they were clearly on the road to establishing one. That is the point.

Ambassador Nitze. They might have been. I do not know the pertinent facts, but they might have been on the road.

Senator Quayle. From my viewpoint, from my information.

Ambassador Nitze. Putting in a requirement from their standpoint, but that does not make it a requirement.

Senator Quayle. No, I am not arguing whether it was or was not, because it was not a formal requirement. But what I am pointing out is they were clearly on a path to establishing that requirement.

Ambassador Glitman. Certainly JCS was aware of the situation. I do not know who the "they" are that you are referring to.

Senator Quayle. I am not sure that JCS, the Joint Chiefs, had actually inquired about how far along they were on that requirement.

Ambassador Nitze. I do not know the answer. May I proceed?

Senator Quayle. Yes.

Ambassador Nitze. Moreover, the U.S. Government fully protected its right to deploy INF-range conventional air and sea-launched cruise missiles.

The negotiating record is very clear on this point. Our position in START is the same. There shall be no limits on either air or sea-launched conventional cruise missiles.

Given we have protected ourselves on the air and sea variants, and we had no current requirements for a conventionally-armed INF GLCM, we then had to weigh the potential benefits of protecting this option against the verification difficulties inherent in distinguishing between nuclear and conventionally-armed GLCMs.

The U.S. Government had been unable to develop, and the Soviet Union had not put forth, a regime to verify effectively the differences between the two types. Thus, rather than permit Soviet conventionally-armed GLCMs, all the while having to assume for military planning purposes that each Soviet GLCM was capable of delivering nuclear weapons, the President decided to ban all INF GLCMs.

By requiring the elimination of INF GLCMs, launchers, support structures, and equipment, we make covert Soviet deployment of nuclear-armed GLCMs very difficult and costly, without flight testing and crew training, the operational capability of any covertly stored GLCMs would be seriously degraded over time.

Compare this situation with the ease with which the Soviets could maintain an operational nuclear GLCM capability under the guise of a permitted conventionally-armed GLCM program.

Senator QUAYLE. It seems to me that the thrust of the argument is the importance that has been placed upon verification.

Other witnesses have come forth and indicated that the administration would have to come forward, if you did not have this ban on conventional cruise missiles, and say, we cannot verify that. We simply do not have the technology available to us to verify that. And I concede the point.

I do not think you can, in the terminology that you want to achieve, effectively verify the ban on the conventional cruise missile, ground-launched.

Nor do I think that we will be able to have the standards of effective verification, despite what Gorbachev said, on the difference of a conventional sea-launched and air-launched cruise missile, whether it is nuclear or non-nuclear.

And what we have done in the INF agreement, primarily because of verification problems, leads me to believe that we will probably do the same thing in the START agreement.

That even though our present position right now, and you just stated it, no limits on non-nuclear sea-launched cruise missiles, or air-launched cruise missiles, I have a hunch that when we get into somewhat of a box our time begins to run out, that for verification problems, as we did with the ground-launched cruise missile, that we will also do this on the sea-launched and air-launched cruise missile.

And I just am curious on how steadfast we are on no limits, and I mean, I am not talking about figuring out platforms, I am talking about limits on the conventional cruise missile, sea-launched and air-launched. How steadfast are we in our position?

I notice that the Soviets are starting to harden their position, that they want limits, very much. And this has now become a sticking point. If we use INF as a precedent, it seems to me that we will eventually compromise and walk back this position that we presently have right now.

And I personally believe that would be very, very counter-productive, and I think in my judgment as we talk about augmenting conventional forces, very much of a folly to fall into.

Can you tell us how stern and committed we are to preserving the conventional sea-launched and air-launched cruise missile, given the history that we now have in INF?

Ambassador NITZE. This was one of the main issues in debate between the two sides during the Washington summit meeting, and certainly during the working group meetings. We argued this on and on and on.

Our START language referred to nuclear-armed and the Soviets had brackets around our word "nuclear." And this was one of the last battles that we finally won. Finally Marshall Akhromeyev agreed to remove the brackets around the word "nuclear," so that the final communique that was issued after the Washington summit does in fact refer to nuclear-armed.

Granted that the Soviets since that time have been trying to walk back on that thing that they agreed to. This issue came up again in Moscow, and again we stood firm on this. I think they now recognize that we intend to stand firm, and do not propose to give on this.

Senator QUAYLE. My time is up. So you do not see us compromising on this issue?

Ambassador NITZE. I do not see us compromising. We are unified on that.

Senator QUAYLE. Thank you, Mr. Chairman.

Senator LEVIN. Senator Wirth.

Senator WIRTH. Thank you, Mr. Chairman. Ambassador Glitman, I just want to again commend you on two terrific days earlier this week in answering, I think, a regime of 137 questions, or whatever it was. You did a terrific job.

And Ambassador Nitze, thank you again for being here, and for all that you have done on this very, very important issue, and so many others.

Let me, if I might, pick up on the question that Senator Quayle was asking about cruise missiles, because maybe I missed in your statement a reference to unarmed cruise missiles.

When Richard Perle was up earlier this week or last week, he made, as I remember, a major point of the difficulty of making a distinction between unarmed cruise missiles, conventional cruise missiles, and nuclear cruise missiles.

And as I heard you, Mr. Nitze, point out, it was difficult, we found that it was difficult to develop a regime to make a distinction between conventional and nuclear cruise missiles. So therefore ban them all.

Can you make a distinction, then, between unarmed? And is that not a Perle problem? You all know a lot more about this than I do. I am just listening and trying to figure out what is his problem, and how do you answer the question. Maybe that is the easiest way to put it.

Ambassador NITZE. I think maybe you could do it.

Ambassador GLITMAN. Are you referring to the RPVs and drones?

Senator WIRTH. The unarmed cruise missile. RPV stands for?

Ambassador GLITMAN. Remotely piloted vehicle.

Senator WIRTH. Okay.

Ambassador GLITMAN. There are several points to be made here.

First, you can determine that the flight testing for a drone and the flight testing for an armed weapons delivery—Senator Levin correctly put the thing in the proper treaty context the last time, we should stick with that word, weapons delivery cruise missile—are different.

The weapons delivery version has to strike a target, the other one does not. In fact, it flies out and comes back. So there is a difference in the type of testing.

There is also a difference in the type of infrastructure that goes with a weapons delivery cruise missile and a non-weapons delivery RPV or drone. And it is obvious that in the one case you are going to have the sort of infrastructure that accompanies the nuclear cruise missiles. And in the other case you would have the type of infrastructure that accompanies the drones.

I must say, I find it curious that those who raise the problem of drones as possibly being a way of cheating then go on to say, but go ahead and do a conventionally-armed cruise missile.

It seems to me that if there is a bit of concern about a drone, one should be frightfully worried, indeed quaking in one's boots, about the prospects of cheating with a conventionally-armed cruise missile.

And in my view, we can deal with the drones. I believe we would be able to detect whether a drone was being turned into a force of weapons delivery vehicles. I do not believe we could do that with a conventional weapons delivery cruise missile.

The infrastructure would be identical to that for a nuclear version, the flight patterns, the testing, all of that would be the same. And therefore, in my view, you can draw a distinction between the two.

But as I repeat myself, if I may, I find it hard to understand why somebody would be concerned about one type which you can distinguish with but then go ahead and say, but go ahead and have a conventional cruise missile where the problems of verification are several-fold greater, and in my view insurmountable.

Senator WIRTH. Is there an argument, then, that is made that you are familiar with that says you can make a distinction between the conventionally-armed and the nuclear-armed cruise missile?

Ambassador GLITMAN. You cannot.

Senator WIRTH. You are saying that you cannot do it. But that the critics must be saying you can do it. Is that not right?

Ambassador GLITMAN. What I am saying is that the critics are, on the one hand, arguing that you should not be allowed to have RPVs and drones because they might be turned into attack missiles, but it is all right to have a conventional cruise missile. And I guess the argument is that they are going to cheat anyway, so why not let them cheat.

Senator WIRTH. But then they must make the argument that you can make the distinction between conventionally-armed and nuclear-armed cruise missiles.

Ambassador GLITMAN. I think the critics will speak for themselves. But if you will allow me, as I read through their arguments, they are essentially saying, you cannot make a distinction, but so what. Let us run the risk. And I am saying, that risk is in my view, and in the administration's view, that risk is too great.

Because then you really cannot tell the difference in the way that they test them and in the way that they deploy them. They will be the same for conventional and nuclear-armed. It will not be the same for a weapons delivery and a drone, or an RPV system.

Senator WIRTH. Just for whatever it is worth, Ambassador Glitman, I have listened, I think, to a great deal, if not most of the testimony on verification, and this is the one issue that comes back to me as being troubling.

That somehow maybe I do not understand it thoroughly enough or the defenders of what is in the treaty do not understand it thoroughly enough. But I think maybe we all have a little bit more work to do in order to try to understand the parameters of this particular problem.

Ambassador NITZE. May I make an additional comment? The point I was trying to make with respect to nuclear-armed versus conventionally-armed INF cruise missiles, you have to weigh on the one hand the difficulties of verification, on the other hand the extent of the need for the conventionally-armed.

In the INF case, we did not think the need was very great, because there had not been any certified requirement for the conventionally-armed GLCM. And, the verification difficulties complicated the problem a great deal.

In the case of the drones, I think there is a very clear requirement for drones. We use them for reconnaissance and so forth and so on. Therefore, even though there may be some risk that a drone could be converted, we do not believe a manageable force, a useful force could really be based upon drones.

So there the decision was made to permit drones, but to count conventionally-armed GLCMs as though they were nuclear. And these are decisions that have to be made. They were made after a good deal of inter-departmental discussion, and were finally made by the President, that this is the way we should go forward on it. And that is the way we have gone forward on it.

When you get to a different situation, when for instance you get to the situation of SLCMs, there I think you come out somewhat different. Because there the need for conventionally-armed SLCMs and for conventionally-armed ALCMs of extended range is really quite great.

Ambassador GLITMAN. And they exist, whereas the conventionally-armed ground-launched version does not exist.

Senator WIRTH. Again, I think we have a little more work to do in terms of understanding what the problem is, as it is perceived. Whether it is real or perceived. And then how to answer that.

And I will look forward to trying to figure out a little bit more of this myself, and maybe we can get back together again, Mr. Ambassador. Thank you very much. My time has expired, Mr. Chairman.

Senator LEVIN. Thank you, Senator Wirth. Senator Thurmond.

Senator THURMOND. Thank you, Mr. Chairman. Ambassador Glitman, in your earlier comments on missiles being removed by the Soviets before the treaty goes into force, do we have any rights to inspect the facilities from which these missiles were removed?

Ambassador GLITMAN. Yes, we do, Senator. Under the treaty, every place where they have the missiles has been listed in the MOU, memorandum of understanding, on data.

Even if that particular facility is empty, we will continue to have a right to go to that facility, once on a baseline inspection, and then afterwards on short notice, to ensure that that facility has been truly emptied out.

Senator THURMOND. Ambassador Nitze, could you please tell the committee what you would consider to be a militarily significant violation of the INF Treaty? And will you please be specific?

For example, is the detection of one or two illegal SS–20s a militarily significant violation? Or would 100 to 200 covertly deployed SS–20s be a significant violation? Could you also provide the committee with an example of a militarily significant circumvention of the treaty?

Ambassador NITZE. As a preliminary answer, I would point out that there are two elements that one must worry about.

One is really a political worry, and that is that any violation would be a real concern to us. We do not want to see any violation.

But then when one gets to the question of whether it is militarily significant or not, then you have to judge whether this presages, only one or two missiles, or whether it presages the possible existence of a force of some size that would have a military impact.

But for a more authoritative answer to your question, I would like to consult with the Joint Chiefs of Staff. They are the ones that we look to for a judgment on this question, as to what would be militarily significant. And I will give you a response in writing, if I may.

[The information follows:]

Ambassador NITZE. Judgments on the military significance of Soviet cheating must be made on a case-by-case basis. We should not be explicit in defining in advance what we consider to be, in the abstract, militarily significant. We would regard any cheating with the greatest concern. In determining the military significance of any given case of cheating, we would take into account the following kinds of factors:

—the quantitative level of cheating and the overall threat it posed to U.S. and NATO defenses;
—the kind or kinds of weapons involved and their specific capabilities for target coverage, survivability, etc.;
—our assessment of the state of readiness and training of a cheating force;
—the extent to which other forces available to the Soviets render a cheating force largely redundant or conversely comprise a significant additional military capability;
—the extent to which the U.S. and its allies possess existing military forces or surge capabilities which could permit an effective counter to a Soviet cheating force;
—the overall political and military situation surrounding the discovery of Soviet cheating, e.g., whether that situation was one of relative stability, one of tension, etc.

The assessment of military significance of any Soviet cheating would be a fundamental part of our response to Soviet noncompliance. We would govern our actions by ensuring an appropriate response directed to protecting our national security interests.

Regarding the question on "circumvention", it is clear that there was not intended to be anything in the INF Treaty which would limit ICBMs or SLBMs. It is correct that the Soviets could retarget these missiles on the same targets covered previously by the SS-20s. Of course, it is generally true that all ICBMs and SLBMs can be fired against targets closer in than what they were originally designed to hit. However, even though one can use intercontinental range systems against targets that are closer in, it is generally a waste of assets to do so. To build an intercontinental system is a more expensive and demanding job than to build a shorter-range system.

Analysis shows that the Soviets have little to gain militarily by cheating with shorter range or, in their terminology, operational-tactical systems. Their weapon-rich environment provides them with sufficient land-, sea-, and air-delivered nuclear weapons to compensate readily for the almost 400 warheads on their deployed SS-23 and SS-12 missiles. Our assessment is that even a retained covert force of SRMs would have little additional impact on the overall theater balance. That is why our concern has focused on potential treaty evasion or "cheating" involving SS-20 missiles.

Senator THURMOND. Ambassador Nitze, the administration is actively negotiating a START agreement before the President's next summit with General Secretary Gorbachev in the late spring.

If he cannot complete a treaty before the two leaders meet, should a framework agreement, a Vladivostock-type accord, be considered?

Ambassador NITZE. We are firmly against that, Mr. Senator. We believe that we do not wish to have a framework agreement. We wish to have a true treaty, if that is possible. But we do not want a framework agreement.

Senator THURMOND. Ambassador Nitze, could you please give this committee an assessment of the administration's recent trip to Moscow?

How close are we to entering a framework agreement, or a full-fledged treaty?

Ambassador NITZE. Well, as I said, we do not want to get to a framework agreement. We want to get to a full treaty, if that is possible.

The President is very clear that he does not want a treaty for a treaty's sake. He only wants one if it would be a good treaty, one which would further the interests of the United States and of the West generally.

So we are working toward it. But one cannot say whether one can actually achieve it.

Senator THURMOND. I want to thank you gentlemen for your presence. Glad to see you both again.

Senator LEVIN. Senator Wilson, I am sorry. You have not had a first round yet. Senator Wilson.

Senator WILSON. Thank you, Mr. Chairman. Welcome, gentleman. We are grateful to you for being here.

Ambassador Nitze, let me ask, following up on the line of questions pursued by Senator Quayle, in your view, were it hypothetically possible for the United States and the Soviet Union to agree on a verification methodology that could in fact distinguish between nuclear and non-nuclear ground-launched cruise missiles, then would it be in your view desirable or possible for us to seek to modify the INF Treaty to allow conventional ground-launched cruise missiles? And do so under the new mutually acceptable verification regime?

Ambassador NITZE. Obviously one could do whatever the Congress directed that we do, and if the Senate were to instruct the executive branch to do x, y, and z, why certainly we would do so.

I would have thought another question would be, would it be wise to so do? And I doubt whether it would be wise to so do. I can see reopening a great many questions which we have now gotten settled.

I am not sure—in the first place, it presupposes one knows how to make the decision.

Senator WILSON. Yes, that is the basic premise of this hypothesis, admittedly.

Ambassador GLITMAN. I think, if I understood your question correctly, Senator Wilson, you are asking whether we can amend the treaty if we were to conclude at some point in the future that we could verify this and that we had a role for it.

The answer is yes, the treaty can be amended. We would have to, of course, seek Soviet approval for that.

Senator WILSON. In your judgment, would that be a given idea, given that premise?

Ambassador GLITMAN. Well, that would depend really on the mission that we had for that system, how badly we needed it. And that is something I would have to leave to the JCS and others to determine.

But if there were a mission that we had for it and if we were satisfied that it could be verified, that could be a different situation than the one we faced and face now, where there is no mission and there is no possible verification. But the answer to your question essentially is, we can amend the treaty, provided we and the Soviets agree on the amendment and we get advice and consent, of course.

Senator WILSON. Let me pursue another point. It may seem somewhat academic to you, but let us assume for the sake of argument that the confidence that both of you have exhibited with respect to the improbability, as you see it, that there will be a clandestine force maintained by the Soviet Union were in fact not to be the case.

The mechanism that we have in the treaty that relates to this problem is called a Special Verification Commission. How is this different from what we have been doing with respect to the SALT agreement through the so-called Standing Consultative Committee?

I mean, number one, that exists if we find something, not that they have volunteered. Certainly we are not anticipating that they are going to tell us that they are cheating.

And if in fact we make the allegation that they are and then demand that they prove that they are not, it is to take place within the context of the Special Verification Commission, is that not——

Ambassador NITZE. That is correct.

Ambassador GLITMAN. Or by diplomatic channels. We have a choice.

Senator WILSON. All right, we have that choice. But let us stay with this for the moment.

What enforcement mechanism is there?

Ambassador NITZE. There is no enforcement mechanism in the treaty itself.

Senator WILSON. In other words, if we determine to our satisfaction that there appears to be some cheating, that there may be a clandestine force, of whatever size, being maintained at other than declared sites, and we go to them in the Special Verification Commission and demand an explanation, if they choose to give us none and simply deny the existence of such a clandestine force, we are without remedy, it seems to me, except that I would pursue the point that there is the alternative of diplomatic means.

Effectively, there I suppose is a third alternative available to us, and that is to go public with the charge. But even having done that, if they choose to stonewall, we are not either within the treaty or without it available to pursue any kind of inspection that would be able to determine the question once and for all.

Ambassador GLITMAN. Let me say first of all, Senator, that we are not without remedy. If we determine that there has been a material breach of the treaty—and that can be a unilateral determination—if we are not satisfied with their explanations, then we have a right under international law to say that as far as we are concerned this treaty is null and void.

Then it is up to the President and the Congress of the day to take whatever actions we wish to take, appropriate to what we believe has happened. So we are with remedy, not within the treaty, but certainly within our unilateral rights.

Senator WILSON. Thank you.

Senator LEVIN. Senator Wilson, thank you.

Is it not also true, on that issue—it is an important issue which Senator Wilson has raised—that there is another remedy besides declaring the treaty null and void, which is a proportionate response to the violation?

Ambassador GLITMAN. Absolutely. We have all those possibilities.

Senator LEVIN. So there are a number of remedies that exist outside of the treaty under ongoing international law. And within the treaty you have this Commission which you set up.

Ambassador NITZE. That is why I referred to the fact that, with respect to what we consider to be violations of the expired and unratified SALT II agreement, there the President did his best to try to handle that through diplomatic means. But then when that proved ineffective, he came to the conclusion that he had to take appropriate offsetting actions on the part of the United States, and he did.

Senator LEVIN. On the SVC question, why did we need to create an SVC when we already had an SCC?

Ambassador NITZE. The procedures for this are different than they are for the SCC.

Senator LEVIN. Have those procedures been agreed to?

Ambassador NITZE. Yes, they have, or at least the fact has been agreed that this would meet at any time that either side, right away—if we, for instance, feel something is going wrong and we want to know about it, we can call the group together, I think within the day. Is that not right?

Ambassador GLITMAN. Yes, and we can call it at whatever level we wish.

Senator LEVIN. You say that the operating procedures of the SVC have been agreed to?

Ambassador NITZE. This fact that it can be called at any time has been agreed to.

Senator LEVIN. But will there be specific operating procedures that will have to be worked out?

Ambassador GLITMAN. No, we want to keep this as ad hoc as possible.

Senator LEVIN. There was an arrangement, I believe, under the SALT II ratification process that the Foreign Relations Committee would be notified whenever there was a complaint made to the SCC.

Is that something which you would recommend or have a problem with relative to the SVC, if we added an understanding to our resolution that the appropriate committees would be notified if an appeal or complaint were made to the SVC?

Ambassador NITZE. I do not believe that issue has come up before, and I would like to take it under advisement.

Senator LEVIN. Would you let us know if you have a problem with that. I think our recollection of history is correct; if not, you can correct it when you get back with us.

Ambassador Nitze, Secretary Shultz and Soviet Foreign Minister Shevardnadze announced on Tuesday that deadlines have been established for the completion of a START memorandum of understanding on data, a protocol on elimination, and a protocol on inspection. Are you familiar with those timetables?

Can you tell us what you know about them, and are they feasible?

Ambassador NITZE. It was agreed by both sides that we would attempt to complete exchanging ideas about what the headings should be in these various protocols, and that we would try to get the exchange of data filling out underneath those headings the actual entry of the specific data in them, we would begin to get that process started.

It is not feasible to complete the submission of the data, and I think that will change even after you have got the original submission of the data. It is rather a moving front, which will enable both sides to see what is going on.

Senator LEVIN. Was there also a timetable agreed upon for a protocol on inspection and a protocol on elimination?

Ambassador NITZE. Both of the outlines of those two protocols should also be available and should have been discussed prior to the meeting of Mr. Shevardnadze with the Secretary here in March.

Senator LEVIN. So do I understand this to mean, then, that there has been an agreement that draft protocols would be exchanged by a specific date?

Ambassador NITZE. That is the agreement, that is right, and discussed.

Senator LEVIN. And what is that date?

Ambassador NITZE. Prior to the March 22—I guess it is around March 22, that Mr. Shevardnadze is expected to come to Washington.

Senator LEVIN. Now, in the wake of that meeting in Moscow, can you tell us what our position is on mobile ICBM's in the START talks?

Ambassador NITZE. Our position on the table continues to be that mobiles should be banned. But we did discuss with them the point that, if we could agree upon measures which would make limits on the mobiles adequately verifiable, that then we would be prepared to consider setting a specific limit upon the numbers of mobiles which would be permitted to the two sides.

We did have some discussion of the problems of verification of mobiles. We thought the best way to get at this was first of all to get on with the exchange of the formulation of these protocols and getting the exchange of the information in the protocols under way.

Senator LEVIN. Ambassador Nitze, the issue of our conventional arms control negotiations and their possible linkage to the START negotiations has been raised frequently.

Many of us believe that if we could make progress on conventional arms control that was beneficial to us, that that would be even more important than progress on START, even though many of us feel that is a very important set of negotiations, and we have a lot of regard, indeed, for our negotiators who are in the middle of those negotiations.

So without denigrating the importance of START, there are many of us who believe that if we had a choice between a START agreement and a good conventional arms control agreement, we would take a conventional arms control agreement to reduce the threat of heavy armor that is concentrated by the Soviet Union in Eastern Europe and holds the prospects of a surprise attack on Western Europe.

The question is this: Do you believe that we should in these ratification proceedings in any way link, directly or indirectly, progress on conventional arms control with a START agreement?

For instance, should we tell the administration, do not bring us a START agreement until we have the shape of the Soviets' proposal on conventional arms control? That would be similar, I believe, to what Secretary Kissinger said yesterday, although I may be going a little further than he would have gone.

I mean, that was the implication: We should know the shape of the Soviet proposal on conventional arms control before we agree to a START proposal. Now, he may have been talking from the executive perspective rather than from the legislative perspective.

And I do not want to put too much into his words that he did not intend, but basically he suggested that at least to that degree there be linkage.

Can you give us your assessment on linkage, your feelings about it, whether you think it might put some pressure, some leverage on the Soviets, to be more forthcoming in a conventional arms control setting, if we withheld either the ratification of START or perhaps the full implementation of the START agreement until we saw either the shape of their proposal in conventional arms control or had reached some particular phase of conventional arms control?

Ambassador NITZE. I think a preliminary consideration is that the INF negotiations and also the START negotiations are bilateral negotiations between the U.S.S.R. and ourselves. That is not to say that our allies do not have a very great interest, particularly in the INF negotiations, because it is on their territory that our INF missiles have been deployed. But these still are basically bilateral negotiations.

And one can move more rapidly and I think surely in a bilateral negotiation than in a multilateral negotiation.

The conventional negotiations, MBFR negotiations, have been going on for 14 years, and a forum that large has its own complexities. And I think part of the reason that it has taken so long in the MBFR to get to no result has been that it is a multilateral negotiation.

Now, the conventional negotiations that are now in progress are the negotiations connected with CSCE, and those mandated negotiations involve some 35 nations on the one hand and 25 nations that are due to the actual negotiations, the Warsaw Pact vis-a-vis NATO.

We have not yet agreed on the mandate. It is very difficult to pressure the Soviets for their position on conventional reductions, what we call conventional stability talks, until such time as at least the mandate for the negotiations has been agreed and one knows who is negotiating with whom, in what framework.

That has not been accomplished yet. And the reason why it is not has been in part that there is a difference of opinion between the French and the rest of NATO as to exactly how to proceed, and there have been some difficulties with the Soviets on the subject matter that is to be included.

So we have been working and working hard for a long time on getting these conventional negotiations under way. We fully agree as to the importance of conventional negotiations. We have been at it for a long time.

But I think the prospect of getting a worthwhile agreement or even getting a proposal from the Soviets which you could rely on in a given period of time is remote. So that if one really wants—if one thinks a START agreement would be beneficial to the interests of the United States and the West, I do not think one ought to link it to getting prior satisfaction on the conventional thing.

We are working as hard as we know how to get a conventional stability agreement. But I would not link the two.

Senator LEVIN. Thank you.

Senator Quayle.

Senator QUAYLE. Thank you, Mr. Chairman.

Let me go back to the cruise missile issue and also part of the issue that Senator Wirth has raised, so we can make sure we have as clear an understanding as possible. Conventional—that is not the right word. I was going to say "conventional thinking."

But let me just say, thinking, general thinking, general impressions of when we defined a cruise missile is that we think of a cruise missile as the kind of cruise missile that we are taking out, the GLCM. That is what I think of when I define cruise missile.

I do not view a cruise missile as such as an RPV or a drone. That is a different type of cruise missile. But I am getting the impression that perhaps this treaty would in fact cover not only what we think of as generally speaking cruise missiles, GLCM's, but also would cover RPV's and drones.

Ambassador NITZE. Specifically they are not covered by this treaty. Is that not correct?

Senator QUAYLE. RPV's and drones are not covered?

Ambassador GLITMAN. Article II, paragraph 2: "The term 'cruise missile' means an unmanned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. The term 'ground-launched cruise missile' means a ground-launched cruise missile that is a weapon delivery vehicle."

So the basic difference here is that a GLCM is weapons delivery-tested or deployed for weapons delivery. That is the basic difference between an RPV and a GLCM.

The treaty does not ban cruise missiles RPV's. It bans GLCM's, and there you have got "a ground-launched cruise missile that is a weapon delivery vehicle."

In addition to that, we have the criteria of range.

Senator QUAYLE. Okay. But if you have an RPV that is a weapon delivery vehicle, it is banned?

Ambassador GLITMAN. If it meets this definition. We want to be precise. If it meets the definition that it is an unmanned self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path and is a weapons delivery vehicle, tested and deployed as a weapons delivery vehicle, then it will be banned.

Senator QUAYLE. Let us just go through that definition. Does an RPV meet this definition? An unmanned self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path?

Ambassador GLITMAN. I believe RPV's would meet that definition. I would like to check with someone at the JCS.

Senator QUAYLE. Would a drone meet that definition?

Ambassador GLITMAN. My sense is that they would, but they would not meet the second part.

Senator QUAYLE. Now, wait a second. If they would meet the first part, now then they meet the second part if in fact they are a weapons delivery vehicle. For example, you could have a conventional munitions package on an RPV, could you not?

Ambassador GLITMAN. If you put a conventional package on an RPV and you develop it and test it as a weapons delivery vehicle with that conventional package, you have created a GLCM, which is banned by the treaty if it is between 500 and 5,500 kilometers in range or meets other definition for cruises.

Senator QUAYLE. My definition is—I am working on the two, and in the first part of article II, section 2, that you referred me to, whether we can get it in that definition of unmanned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path.

You think that an RPV and a drone would fit that definition?

Ambassador NITZE. It is a cruise missile. There is not any doubt about a drone being——

Senator QUAYLE. Well, but see, that was my question. Is an RPV—in general thinking, my feeling is that a cruise missile is a GLCM that is not necessarily an RPV. But now what we are getting around to saying or finding out is that an RPV really is a cruise missile by this definition.

Ambassador **NITZE**. Yes. But the only thing that is limited under the treaty is a GLCM, not a cruise missile. The GLCM's are the things that are limited under the treaty.

Senator **LEVIN**. GLCM's as defined in the treaty.

Senator **QUAYLE**. But an RPV can in fact be a GLCM.

Ambassador **GLITMAN**. No, unless you make it a weapons delivery, and then it is a GLCM.

Senator **QUAYLE**. But the point is you can. You can make an RPV a GLCM.

Ambassador **GLITMAN**. If you take a drone and make it a weapon delivery—if you take a cruise missile that starts out as a drone for reconnaissance purposes and you deploy it and test it as weapons delivery, then it meets the definition of a GLCM and it is banned.

Senator **QUAYLE**. And you can in fact interchange on an RPV. You could have an RPV, put a conventional munitions package on that, or in fact you could take it off—this goes to Senator Wirth's question. Or you could take that off and put on a sensor package. I understand from what you are saying that if they have the sensor package on there, this would be okay. But if they take the sensor package off and put on the conventional munitions package, that would not be okay. Am I correct in saying that?

Ambassador **GLITMAN**. They have to test it as a weapons delivery vehicle and deploy it that way. And that gets back to the fundamental point. We believe we can determine that such a system will have been tested as weapons delivery and deployed as weapons delivery.

The testing is different and the deployment pattern is different. The infrastructure that goes with those systems are different.

Senator **QUAYLE**. So once you test it and if you test it with a conventional munitions package on there, if you test it like that, then you could not go back and put a sensor package on there and use it for reconnaissance?

Ambassador **GLITMAN**. Not that particular type of drone.

Ambassador **NITZE**. Whether you did or not, it would count as a GLCM.

Senator **QUAYLE**. Which would be banned.

Ambassador **NITZE**. Which would be banned, and therefore you would have to destroy the thing.

Ambassador **GLITMAN**. And build another drone.

Senator **QUAYLE**. Which we cannot have.

Ambassador **GLITMAN**. Are you saying that we would ban all drones forever and ever?

Senator **QUAYLE**. What I think we have is a problem on making sure—and I can give you a good example. Are you familiar with the Tacit Rainbow?

Ambassador **NITZE**. Not in detail.

Senator **QUAYLE**. Is that covered or not covered by this treaty?

Ambassador **GLITMAN**. There again, I think we should take that question.

Senator **QUAYLE**. Tacit Rainbow is a program we have discussed here and I think we funded it.

Senator LEVIN. I do not think details have been discussed. Let me just check that.

Ambassador GLITMAN. Why do we not just take that question.

Senator QUAYLE. Okay, we are maybe getting into some classified area. But it goes to this fundamental point. We really need to clear up—I am in my mind trying to clear up exactly what is included and what is not included.

And I will be very honest with you. What my objective is going to be, and that will be on the next round, I want to establish what is commonly referred to as a broad interpretation of this INF Treaty and what we can in fact do in the conventional area.

And that is why I want to make very specific on what we got and did not get at the bargaining table, so that we will not have this Agreed Statement D argument down the road, where narrow interpretations—if we get an argument between narrow and broad interpretation.

And we need to get that cleared up. We are going to have a classified session with Ambassador Glitman and I can pursue it, I guess I am told, at that forum.

Senator LEVIN. That will be pursued in the classified hearing.

Senator QUAYLE. But that is the reason to go through this drill, so we do not have any misapprehensions. And it is better to clear it up now than let some Congress down the road try to make an interpretation or let the Soviets down the road make the interpretation.

That is my objective in this whole exercise.

Senator LEVIN. Thank you.

Senator Wirth, I wonder if you would yield to me for one clarifying question. It is your turn.

Senator WIRTH. Of course I would yield.

Senator LEVIN. I think maybe I could clarify it. The trouble is I may get us in deeper.

If shotguns are allowed, but sawed-off shotguns are not allowed, and I held a shotgun up in front of you and said, now, is that legal, the answer would be yes, even though it could be sawed off, at which moment it would be illegal. Is that a good analogy?

Is not this drone legal until it is tested, flight tested as a weapons carrier at which moment it is illegal? Is that correct?

Ambassador GLITMAN. That is correct.

Senator LEVIN. So that a drone is legal and permitted until and unless it is flight tested in such a way that it comes within the definition of the treaty, at which point it is banned?

Ambassador GLITMAN. That is absolutely correct.

Senator LEVIN. It is a legal shotgun until it is sawed off, at which point it is an illegal sawed-off shotgun?

Ambassador GLITMAN. That is correct. Senator.

Senator LEVIN. I do not think I did it.

Senator Wirth.

Senator WIRTH. At the risk of being tedious, let me go at this from a little bit of a different angle. Senator Quayle is worried about what a next Congress might worry about. I am worried about going to a place like Colorado Springs, having voted for this treaty, and then getting gnawed at for voting for something that is absolutely unverifiable.

And I think that is symptomatic of a public perception problem which we have got to get through in some way. And this is the kind of issue that cannot be done necessarily just in a closed hearing. Maybe we ought to have a Quayle-Wirth hearing on this issue, Danny, and really go at it.

Senator QUAYLE. I think you are right.

Senator WIRTH. Let me try again. I have just reread Perle's testimony and Gaffney's testimony, and you are quite right, both of them say you cannot distinguish between RPV's and conventional or nuclear cruise missiles. And neither goes to the question of a distinction between conventional or nuclear cruise missile, how you might distinguish the two, which is clearly an issue we have got to go back and go over with them.

Why not ban RPV's altogether, and then you do not have to worry about this?

Ambassador GLITMAN. I think, as Ambassador Nitze pointed out, we looked at our requirements. We had no requirement for a conventional cruise missile and we saw problems with verification.

We do have requirements for RPV's.

Senator WIRTH. So there is a military requirement to have a drone, okay.

Now let us pick up on where Senator Quayle was. I have understood the same thing, that the Army was saying, would it not be a good idea if we had an intermediate range conventional cruise missile. That is what you were suggesting came out from General Galvin.

Forget General Galvin, but that is something the Army was interested in.

Senator QUAYLE. And also in NATO.

Senator WIRTH. Well, and the response was that would never get through our Joint Chiefs of Staff. Then I have heard the argument, well, the reason that could never get through our Joint Chiefs of Staff is that that range cruise missile is very threatening to the Air Force, because effectively what that does is says to the Air Force: We do not need fighter pilots and fighter aircraft of that range. And that is the reason why it would never get through the Joint Chiefs.

The point of raising that is to say, if we maintain RPV's because there is a military requirement for having RPV's, might not one argue that we should retain as well conventional cruise missiles because there could be a military requirement for a conventional ground-launched intermediate range cruise missile, a la the Galvin argument, recommended by Senator Quayle?

Ambassador GLITMAN. Well, first, my understanding based on discussions with representatives of the Joint Chiefs of Staff is that there was no requirement for, no plans for, no programs for, a conventionally armed cruise missile.

Senator WIRTH. I hear that, but I am just saying, why would there not be such a requirement if we were to go back and say that is because of an Air Force position. It is our job to ask all the questions, Mr. Ambassador.

Senator QUAYLE. If you would yield on that and I will just clear this up.

You are right and I have conceded the point that there was no requirement. Galvin told me that they were on the road to submit this requirement 90 percent. Then Senator Wirth now has brought up a rather different twist to it. But they were on the road to have, to recommend this requirement. You all did not know that.

Senator **Wirth**. That is all right. I am not worried about that.

Ambassador **Glitman**. I will just add, that is a serious answer.

In a somewhat more facetious way, if you are right that the reason that there was no requirement for the cruise missile was because it would take jobs away from pilots——

Senator **Wirth**. Threatening the mission, you know.

Ambassador **Glitman**. Well, putting it in its simple form—and I said this was somewhat facetious—the same applies to RPV's. They also take jobs away from pilots. So if that was the concern, one could have thought that the same voices would have been raised against it, against RPV's.

Senator **Wirth**. I realize that is a facetious answer. I am not raising that point for the purpose of being facetious.

I am raising the point for saying that, if we establish that we maintain and retain RPV's because there is a military requirement for doing so, then one can also make the argument, if you follow what I believe some people in the Army were arguing for, that there is a military requirement for having a cruise missile, a ground-launched intermediate range conventionally armed cruise missile.

And if that is the case, that we should first of all adhere to military requirements. Now, I am not sure where that carries me.

Ambassador **Nitze**. Have you not got two military requirements? One is that you satisfy what would be useful in a military sense, and the other would be that your limitations are verifiable, and you want to have some limitations that are verifiable.

And if you do not know how to distinguish between a conventionally-armed cruise missile and a nuclear-armed one, and you want to ban the nuclear-armed one and you cannot verify a distinction between it and the other, that is an additional consideration. You have got to weigh these two one against the other.

Senator **Wirth**. So the distinctions that you are suggesting, Mr. Ambassador, on the one hand, since you cannot make a distinction between a conventionally armed and nuclear armed cruise missile——

Ambassador **Nitze**. I am not saying it absolutely. All I am saying is it is difficult to see how you do it. And then also, we did not see that there was a need for the conventionally-armed, ground-launched cruise missile. Therefore, the balance of considerations made it clear that you ought to ban the conventionally-armed, ground-launched cruise missile because you did not have a need for it and it created problems with respect to verification.

And you can see other situations might arise in which the utility of having a conventionally armed device of some kind is very great. You can then look and see whether, you could scratch your head very long and see whether you could not find some way of verifying the distinction if you had to. So you are in different circumstances.

Senator **Wirth**. What we have got to understand is to be sure that there is no way of distinguishing between and verifying a difference between conventional and nuclear-armed cruise missiles. That is one question.

Second, to assure ourselves, I think, that the RPV distinction is verifiable against conventionally or nuclear-armed cruise missiles. That is the second.

And is there not a third one that relates to any similarities that might exist between air-launched and sea-launched RPV's and other cruise missiles and what we are talking about, a ground-launched?

Now I am getting into areas that are thoroughly beyond my capability of understanding technically. But I think that there might be an area of questions and distinctions there, too.

Ambassador Glitman. I think with regard to the mode of launching they are distinguishable, simply because you have got air and water and land, to put it in simple terms, and they are launched from different places.

Senator Wirth. Technically they are that different, are they, in the way that they are configured?

Ambassador Glitman. Well, the missile itself may be the same, but the launch platform is totally different. That is why we get rid of the launchers for the ground-launched systems as well as the missiles.

Senator Wirth. Is the launcher that different for a conventionally or nuclear armed cruise missile as for an RPV? Is the launcher in that case different?

Ambassador Glitman. We do not have a conventionally armed, ground-launched cruise missile. Therefore I could not answer the question what the launcher for that would look like. I would guess—now it is just a guess; I am sorry we do not have anyone from the Joint Chiefs here to help us with this—there would be considerable difference between that launcher and an RPV launcher.

Senator Wirth. If the launchers are obviously different launchers, you could not launch the cruise missile that is sea-launched or air-launched from an RPV launching platform, is that right?

Ambassador Glitman. I cannot answer that because I think we would need to see the technical ramifications. The logic is there.

Senator Wirth. The answer to that should be no, I would think.

Ambassador Glitman. Again, it depends on the configuration of the missile and the launcher. They might be compatible. They may not be.

Senator Wirth. Then the local question is, if you have a launcher for an RPV, ground-launched RPV, could you configure a cruise missile that you tested as an air-launched or a sea-launched cruise missile and launch that from that RPV platform?

Ambassador Glitman. The minute you did that, you have turned it into a GLCM, because you have ground launched it from the platform. So it is banned.[1]

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[1] On the assumption we were talking about a weapons delivery missile. If neither the sea launched or air launched RPV were tested as a weapons delivery missile and were not tested as such in a ground launched mode they would not be banned.

Senator WIRTH. But what you are saying is that the way in which you verify an RPV is by how it is tested. If you turn around and test that——

Ambassador GLITMAN. Tested or deployed.

Senator WIRTH. Just a second.

If you were turning around and testing it as an air-launched cruise missile or as a sea-launched cruise missile, that is okay under the treaty, right? So hypothetically we have tested our air-launched cruise missile and our sea-launched cruise missiles as air-launched or sea-launched cruise missiles.

But we have also configured them in such a way that they are launchable from your ground-launched RPV platform. What is wrong with that?

Then what you have been able to do is to have a ground-launched RPV platform launching missile that is presumably outlawed, but has been tested as an air-launched or sea-launched missile. Is that technically possible?

Ambassador GLITMAN. It might be technically possible, but you have got to go beyond whether it is technically possible. The question is can you then produce a force to do that? Could you do one?

Senator WIRTH. Well, just again hypothetically, if the Soviets have a number of air-launched cruise missiles—they are allowed to have those, right?

Ambassador GLITMAN. Yes.

Senator WIRTH. And they are allowed to have a force of those?

Ambassador GLITMAN. Uh-hmm.

Senator WIRTH. Let us assume they have a force of air-launched cruise missiles that are out there, which are perfectly legal to have. And they have tested them as air-launched cruise missiles.

They have on the ground a whole series of RPV platforms. What is to keep them from taking the tested and perfectly legal air-launched cruise missiles and putting them on the ground and launching them as ground-launched from the ground-launched RPV platform?

Ambassador GLITMAN. Okay. Once you test and deploy it, in your scenario they have got to take it off of the airplane—we will use that example—put it on this RPV platform, and then they test it or they deploy it.

If they do not test it from the RPV platform on the ground, they are not going to have much confidence in whether it will work or not. If they do test it, they have turned that RPV platform effectively into a GLCM, now banned launcher, and they have turned that RPV into a GLCM, now banned cruised missile.[2]

Senator WIRTH. And you are sure that the testing that they would do as an air-launched cruise missile is not compatible with what they would have to do if they launched if from an RPV GLCM platform?

Ambassador GLITMAN. I should think not. I am not a military man, but the idea of taking a system off of an airplane and not testing it from that ground based RPV platform and saying we know what is going to happen—it seems to me I would not have much confidence in such a system.

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[2] Again on the assumption we were talking about weapons delivery missiles. If in the hypothetical case being discussed here none of the systems had been tested or deployed as weapons delivery missiles they would not be banned as GLCM, once they were launched from the ground.

Beyond that, you have to deploy a whole force. You have to have an infrastructure. It is not enough to have just one or two. Maybe it will work and maybe it will not.

If you are going to have a force to be meaningful, and especially with INF, it has got to be seen to be meaningful in a political sense. You have got to have that force out there. It has got to be seen, and it has got to be seen to have worked. Well, the minute it is seen deployed, it is tested or deployed, the minute it is seen deployed as such or tested, it falls under the treaty and it is banned.

Senator **Wirth**. I hear you and I want to think that you are absolutely correct. I also hear that this is an issue raised louder and clearer by Mr. Perle when he was up testifying, and it was part of Gaffney's testimony. And I am sure that it is going to be the kind of thing that is out there asked a great deal.

And it seems to me that we have an obligation, perhaps, to get some other kind of expertise in here. Maybe we are planning to do that on this particular issue, to ask at least three questions.

One question is, are we sure that you can distinguish between RPV's and conventional and nuclear? That is question number one.

Second, are we sure that there is not a way of distinguishing between conventional and nuclear-armed ground-launched cruise missiles?

And third, are we sure that there is no compatibility between air-launched and sea-launched cruise missiles and their ability to be launched from a ground-launched RPV platform?

It seems to me, Mr. Chairman, that that—I hope the staff was listening to that brilliant set of questions, because it seems to me that those three, Senator Quayle, are at least three that I would like us to get after.

My time has long expired.

Senator **Quayle**. May I ask a question on this exact point?

Senator **Levin**. Yes.

Senator **Quayle**. This is part of the problem. If you were to take what Senator Wirth has said, and not maybe the air-launched, but take the launcher and put it at sea and launch that RPV and launch it in a mode of being a weapons delivery system you can do that in the treaty.

Ambassador **Glitman**. Absolutely.[3]

Senator **Quayle**. And I can tell you from my information, it would be indistinguishable between the launcher on that sea-launched platform and a launcher that would be ground-based.

And what in fact you have—and it would be also indistinguishable on exchanging, say putting a munitions program in the RPV or having a sensor program in the RPV. So you can go ahead and test your RPV's ground-launched and they would be sensor programs that would be sitting up there. They would not be strike weapons that would go down and hit anything at the target.

You would then test the RPV's from sea, from essentially the same launcher. You can test the strike, and then you can go on and interchange and have a force out there that would be armed for weapons delivery as well as non-weapons delivery.

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[3] On the assumption the question in essence was: Can the parties have SLCMs.

And that would be, I think, a very, very difficult proposition to verify. I think you asked the right question.

On the third question, and that is can you in fact take a launcher, I think probably at sea, take a launcher at sea and launch this cruise missile or this RPV which would be banned, but permissible—banned ground-launched, but permissible sea-launched, and then use essentially the same launcher on the ground?

If the answer comes back yes, then you have a major verification problem.

Ambassador GLITMAN. But you pointed out that this RPV, Senator, was going to be tested as a weapons delivery RPV from a ship. It is now a weapons delivery, tested as a weapons delivery RPV.

The minute you take it and put it on land, it does not change that. It makes it worse. It is already banned for use on land if it has been tested for weapons delivery.

Senator QUAYLE. Oh, in other words, you just expanded the definition, then. If you can—in other words, you cannot test from the sea an RPV that is a weapons delivery system?

Ambassador GLITMAN. You can, but it is then sea-launched. Of course you can. You can keep it at sea.

Senator QUAYLE. But if they are the same thing—I mean, you go in and you look at the ground-launched cruise missile and the Tomahawk, the TLAM-C, and you look at those two missiles, and there is not a whole lot of difference. And that is the fundamental point.

You are not telling me that that RPV that is launched from the sea is banned by this treaty. That is weapons delivery. You can do that.

Ambassador GLITMAN. The SLCM is not covered by this treaty by virtue of its being sea-launched. There is no problem with the SLCM. It is sea-launched.

Let me go into a little bit more detail about how we can test.

Senator QUAYLE. We are talking about RPV's now.

Ambassador GLITMAN. I understand. But if you look at article VII, paragraph 1: "For the purposes of this treaty, if a ballistic missile or a cruise missile has been flight tested or deployed for weapons delivery, all missiles of that type"——

Senator QUAYLE. What section?

Ambassador GLITMAN. Article VII, paragraph 1: "For the purposes of this treaty, if a ballistic missile or a cruise missile has been flight tested or deployed for weapons delivery, all missiles of that type shall be considered to be weapons delivery vehicles."

Let us take your example and apply it. You had a cruise missile which had been used as an RPV. You put a weapon on it and you flight tested it from a ship. Now, that thereby becomes a GLCM because it is a weapons delivery—remember a little while we went through that.

When you move it back to land—you can leave it at sea—but if you took that missile back to land, the fact that you flight tested it and now at this point deployed it weapons delivery makes it a prohibited system under this treaty. If you want to keep that missile at sea, keep it at sea and it is not covered.

Do not bring it onto land.

Senator QUAYLE. But I think you get into the definition——

Ambassador GLITMAN. It is finished on land. You could not put a sensor on it on land. It has been flight tested as a weapons delivery.

Senator QUAYLE. But let me say this. You have got two RPV's out there. One is a weapons delivery and one is not a weapons delivery. And you say on land that you are going to go ahead because you have to have it as a non-weapons delivery system, and you say that is what you have got in your RPV's, okay.

And that is okay by the treaty, right?

Ambassador GLITMAN. It is not a weapons delivery?

Senator QUAYLE. Not a weapons delivery system, and it is by land.

Then you go at sea and you test the one at sea.

Senator LEVIN. Test which one?

Senator QUAYLE. Say test the RPV, the same one, identical one.

Ambassador GLITMAN. You are finished. It is tainted. It cannot be removed back to land.

Senator LEVIN. Once it is what?

Ambassador GLITMAN. Once it is tainted.

Senator WIRTH. You mean once it is put on a ship it is tainted?

Ambassador GLITMAN. Once you have tested it as a weapons delivery vehicle, regardless of from whence you tested it, that missile—you have used the same one. That same missile, that same RPV, it is kept on land and never tested, whether from land, sea, or air, as a weapons delivery vehicle, it stays as an RPV or a drone. If you took that missile, to take your example, and put it on a ship and launched it off a ship as a weapons delivery vehicle, then it could not come back to land. You could keep it at sea.

Senator WIRTH. How do you know it does not come back to land?

Senator LEVIN. That is another question. But before we get to that question——

Senator WIRTH. But that is crucial.

Senator LEVIN. It may be, but let us take one question at a time, just one question at a time.

The treaty prohibits that vehicle from being taken back to land, even though it was not tested as a weapons delivery system from land?

Ambassador GLITMAN. That is correct.

Senator LEVIN. As long as we make that point.

Now, the next question is, if you do take it back to land, how the heck can it be verified? That is your question. But I think we ought to always take this one step at a time, because you have asked three questions.

Senator WIRTH. He has got the time.

Senator LEVIN. No, he does not have it. I have got the time.

But you have asked three questions which I think are important questions, that we ought to have answered. This is really a fourth question now, how do you verify it?

If you did what is prohibited and what we just described and moved it back to land, how would you verify it?

Ambassador GLITMAN. Again, you have got national technical means, to start with. They have got to have that missile—to use it, it has got to be out there, got to be on this truck. You have got to see it.

If you do not see it, it is a covert force. Then you are back into that question again. So we have national technical means.

They are going to test it from land at some point, I believe. That would be my guess. If they would, you could determine that.

Finally, we do have for the 13 years the on-site inspection regime. We cannot go everyplace. We can go to several places that would be likely, that is to say the formally declared facilities. So you have got the basis for a challenge.

Again, if you want 100 percent that we could not find one of these new prohibited missiles under this scenario we have been working on, I cannot guarantee you that we will find one. We are talking now about a militarily significant force. That means a force—troops, training, infrastructure, bases. That is a lot harder to hide in a zero environment, a lot harder to hide.

Senator QUAYLE. What you have just told me is, if in fact we have an RPV force and our ground force is in fact for sensors and it is not a weapons delivery system, then it is allowed in the treaty.

And if in fact we want to have any kind of an RPV which would be allowed by the treaty and we launch it from the sea and testing it and it becomes a weapons delivery system, you are saying not at sea since it has been tested at sea, but now my ground forces, since it would have that capability, would also be banned?

That is what you are telling me, and I am not so sure you really want to go that far, because I really did not think that we went that far. But what you are doing is saying it taints it, and you are now tainted.

Senator LEVIN. The system has been tainted, that is what you are saying?

Senator QUAYLE. That whole system has been tainted and all of them are out.

Ambassador GLITMAN. You better build another one for land.

Senator QUAYLE. That is a very sweeping proposition. That does not get to the point of bringing it back.

Ambassador GLITMAN. It seems to me you are both arguing you want to bring it back, and he is saying if you bring it back that they could hide it and we would not see it. You know, here is the dilemma we face, and that is why we came out the way we did. There has to be a balance between those who want to operate more systems and those who are worried about verifying the systems that are there. And we have tried to reach that balance in this agreement. It goes back to the nub of this whole argument about arms control, cruise missiles versus RPV's.

I sense that you would like to see a conventional cruise missile, Senator.

Senator QUAYLE. You sense right.

Ambassador GLITMAN. And at the same time, you seem to be worried about maybe if they had RPV's they might cheat and build up an RPV force.

Senator QUAYLE. No, I am not worried. I do not want to restrict us. I am not worried about what they are going to do. I think they will do whatever they want to do. I am worried about restricting us.

Ambassador GLITMAN. We are going to be restricted from having an RPV on land. If we have an RPV on land and it is not weapons delivery, it has never been tested for weapons delivery, we can have it.

Senator QUAYLE. But how do we have any RPV that has a weapons delivery system? In other words, because here is the emerging technology. You have got a drone up there, an RPV, it comes out—or drone is a better example.

You send in drones to find out where the air defenses are, and once it finally figures it out it goes down and has the capacity to strike there. Now, that I presume is a weapons delivery system?

Ambassador GLITMAN. That is correct.

Senator QUAYLE. Now wait a minute. He is shaking his head.

Mr. LOWENTHAL. Where do you launch the drone from? What is the range of the drone?

Senator QUAYLE. INF range.

Senator LEVIN. Has it been tested as a weapons delivery system?

Senator QUAYLE. It is a drone. Let me tell you what it does.

Senator LEVIN. I am just asking.

Senator QUAYLE. It has been tested.

Senator LEVIN. Has it been tested as a weapons delivery system?

Senator QUAYLE. Let me tell you what it does, and I do not know whether it falls into that category or not. Once it goes in and gets the air fire, it has a sensor on it; it goes down and tries to hit the target.

Senator LEVIN. Has it been tested as a weapons delivery system?

Senator QUAYLE. It is tested to go up and, once it is shot at, it goes down and tries to hit the target.

Senator WIRTH. Dan is saying it could have been tested off the deck of a ship.

Senator LEVIN. He has not gotten to the ship yet.

Senator QUAYLE. What I am saying is it is hard to tell whether it is armed or whether—it goes to his point—whether it is a weapons delivery system or not, because I am saying that the drone is up there and you want to shoot up at it. And once you find it, you go in and hit it.

Is that a weapons delivery system or not?

Senator LEVIN. Let me get some order here. To make sure that your question is real clear, let us go at it one by one.

This is a drone which has nothing to do with the ship test, so let us get that one off. This is a drone, a land-based drone that has been tested as a drone on land, and that is the question. You have now heard its capability. It has nothing to do with ships.

Can you answer the question?

Ambassador GLITMAN. The minute that it conducts the mission that Senator Quayle described, it has been tested as a weapon delivery or deployed as weapons delivery. In any case, it has demonstrated it is a weapons delivery system.

Senator QUAYLE. So it would be banned as ground?

Senator LEVIN. It would be prohibited by the treaty.

Ambassador Nitze wanted to add something.

Ambassador NITZE. It seems to me you are talking about something of shorter range than 500 kilometers.

Senator QUAYLE. I am talking INF, 500 to 5,500 kilometers.

Now, the next question would be——

Senator **Levin**. He is out of time twice, but keep going. Then we are going to go to Senator Wirth in a minute, then we are going to come back to the chairman.

Senator **Quayle**. Now, you have a drone that would be launched from the sea. And to do that—and that would be okay?

Ambassador **Glitman**. That drone from sea is okay. Now, it is a different drone, though.

Senator **Quayle**. But the thing is, the mission, the end mission, is very indistinguishable. You are not going to be able to tell the end mission of whether it can go down and hit that target or it is just an actual drone there.

So therefore, if in fact we test it from the sea, our whole force can be called into question, all of our drones can be called into question.

Senator **Levin**. In the interest of time and fairness——

Senator **Quayle**. You cannot tell the actual mission of whether it is going to be a weapons delivery system or not.

Senator **Levin**. In the interest of time and fairness here, can we do this, because I want to get to Senator Wirth for a couple of questions before we run. Is this a fair question to ask of the JCS:

Can we tell the difference between a drone that has been launched at sea and tested as a weapons-carrying system and a drone which has been launched from land and tested as a weapons-carrying system?

Does that get to your question, Senator Quayle?

Senator **Wirth**. He was not listening.

Senator **Levin**. That is why I asked him.

Senator **Wirth**. Let me ask it again. I'm not sure—can you repeat it?

Senator **Levin**. I'm not sure I can, but this is a question we should ask JCS and I think it is what Senator Quayle is driving at. And then we will go to Senator Wirth for a minute.

Can we tell the difference between a drone or an RPV which has been launched at sea and tested as a weapons-carrying system and a drone which has been launched from land and tested as a weapons-carrying system? Can we tell the difference in the flight path?

Ambassador **Glitman**. You cannot tell from that, but can you tell the difference between an F-16 and an F-14? F-14 is a Navy plane and an F-16 is an Air Force plane. The answer is yes, you can.

So if you have got a drone that is different, a sea-based drone that is different and the Navy built a different one than the Air Force or the Army built, then you can tell the difference, as you can between those two aircraft.

Senator **Levin**. I do not know that I have clarified this.

Senator Wirth.

Senator **Wirth**. Let me confuse the systems a little bit more. Article VII, paragraph 11, I read from it: "A cruise missile which is not a missile to be used in a ground-based mode shall not be considered to be a GLCM if it is test launched at a test site from a fixed land-based launcher which is used solely for test purposes and which is distinguishable from GLCM launchers."

Now, it seems to me that says that what you can do is to test GLCM——

Ambassador GLITMAN. No. This provision was placed in the treaty at our request, because we test SLCM's, submarine launched ballistic missiles, from land.

Senator WIRTH. Again I go to the question. If you can test a sea-launched cruise missile from the land and you can test an air-launched cruise missile from the land, how do you know that it is to be used as a sea-launched missile or an air-launched missile, and not to be used as a ground-launched missile?

Ambassador GLITMAN. You will know because of the deployment pattern. You will know that there are ships and planes to receive that type of missile and that there are not ground launchers to receive the type of missile.

And note, it is fixed, whereas for the system that we use and the Soviets use, they are mobile. So for the testing they are fixed. For the deployment, they would be mobile.

In any case, the test sites—I should put it this way. It is simply for a testing purpose. And again, this is there at our request, because that is how we test SLCM's and SLBM's. Not always, but we do some.

Senator WIRTH. I am not here in search of a problem. I am only trying to answer what has been raised by two highly visible witnesses and one of them said this was the biggest problem in the treaty. And it seems to me that what we have got to do here is to try to surround this perhaps with further discussion——

Senator LEVIN. You have taken the witness' RPV, which was the issue he raised—Secretary Perle I think raised that question—and added a whole new dimension, which is the water-based dimension, to it. So I think we ought to ask the JCS if they want to comment on these three or four questions that we have raised.

The chairman is back. Before I with great joy relinquish this gavel, could we have the name of the gentleman who spoke?

Mr. LOWENTHAL. Mark Lowenthal. I am with the INR at State.

Chairman NUNN [presiding]. I understand you all have had a very good session today, and I regret I could not be here. I was at the White House meeting with Senator Byrd and the group that went to Europe, giving the President a report on the European allies and what their views were on the INF Treaty.

We were on this same subject in another forum. Of course, we also discussed with the President some of the points that may come up in the summit conference next week. So my apologies for not being with both of you here.

I understand you have a departure time at 4 o'clock, is that correct?

Ambassasdor NITZE. That is correct. That is when we hope we would be permitted to leave.

Chairman NUNN. As the lady who was the guest interviewer on "Meet the Press" said as her time was running down: "I am informed that we have time for one more question and no more answers." It sounds as if I am in that situation now.

I would just like to ask one or two questions, and I will try to make them brief. In his testimony before the Foreign Relations Committee, Dr. Kissinger yesterday stated that, while he did not believe the Soviet Union had a great incentive to cheat under INF, that if the Soviets did violate the INF Treaty the United States had no means to retaliate, because it is extremely unlikely that our European allies would agree to any kind of redeployment by the United States of INF missiles in Europe.

How would you respond to that, Ambassador Nitze?

Ambassador NITZE. I think one of the fundamental questions that faces us with respect to this INF Treaty is exactly that, as to what we and what the allies would do in the event of a meaningful violation.

It is my view that we—and this is primarily the Congress, I take it, that would be involved in the event of a meaningful violation—would wish to take offsetting action at least.

And it is more difficult to talk about the allies, but they have been sturdy during this entire period after the Soviets walked out in 1983. And I think in the event of a manifest violation of the treaty, I think their view would be different than it appears to be today, and that one has a good chance of getting them to cooperate in taking the necessary measures to offset and take responsive action.

Chairman NUNN. Ambassador Glitman, could you give us a summary of which verification provisions of the INF Treaty you believe would be useful precedents for START and tell us why?

Ambassador GLITMAN. Well, the basic concept of on-site inspection I think would be very useful for START; the baseline inspection; if there are any bases that are closed out, the closeout inspection; the inspection of declared facilities; on-site inspection of elimination. I think all of those would certainly be beneficial.

The idea of an MOU on data, the data exchange, I think that could be carried over. Obviously, all of those will have to be tailored to the specific START regime, though.

Chairman NUNN. Based on your experience in negotiating INF, can you envision entering into from the United States' perspective, what is known as an anywhere, any time type regime under START, where we would be able to inspect any place in the Soviet Union any time we wanted to and have them with reciprocal rights?

Ambassador NITZE. I would be surprised if we would be prepared to have the Soviets inspect any place, at any time, in the United States, with our not having any right of refusal. I think there are certain places in the United States which we would wish to not have them investigate.

And I think one can work out a regime, perhaps, in which one could not make it as absolute as at any time, any place, but where one would have certain areas one could do that. But I doubt very much whether we would want to have them go any time, any place, and make that absolute.

I think one gets into trouble with that.

Chairman NUNN. Ambassador Nitze, can you tell us the difference between effective verification and adequate verification?

Ambassador NITZE. We have defined what we mean by effective verification, and I tried to lay it out in my statement today and in the statement which I submitted for the record. And it does involve the concept of militarily significant, as well as the concept, as I explained, that any violation is politically important, as any violation suggests that there may not be the will to live up to the treaty, so one is worried about any violation.

But there is a difference between that and something that is militarily significant, and clearly a militarily significant violation is much more important because it goes not just to the politics of the situation, but could go to the security of the United States and of its allies.

Chairman **Nunn**. Ambassador Glitman, do you have a distinction to be drawn between effective verification and adequate verification? Do you know any difference between the two?

Ambassador **Glitman**. I think one could get into semantics with those two words, and I prefer to look at the regime itself and determine whether it meets our security requirements and will provide us with adequate—I do not want to use the word "adequate"—provide us with the sense that we can have a full and effective and adequate verification regime. [Laughter.]

Chairman **Nunn**. It sounds like to me that they are one and the same terms. Would you not agree that they are pretty much the same?

Ambassador **Nitze**. I think we have defined it a little bit differently than it was defined when "adequate" was orginally used. But the definitions are not that different.

Chairman **Nunn**. Thank you.

I will respect your time schedule here, and again, I will try to catch up on all your testimony. I thank both of you for being here.

Ambassador Glitman, and I would also say Ambassador Nitze, we are going to go through the answers to all the questions that have not yet come in. And I know you have got to go through the inter-agency process, and then we are going to try to compile any other questions we might have.

And then we are going to go to the negotiating record and look at least the key portions that have been touched on in our hearings. Then we are going to try to call you back up.

I cannot give you a firm date on that, but we would like to stay in touch with you, because we will have to have a wrapup session. And I would imagine it will be a long wrapup session that will involve first an open hearing to cover everything we can in open session, and then go into closed hearing for the remainder.

It probably would last all of one day. So I would hope you would stay alert on that.

We are going to be in, of course, all next week. The week after that is the recess period. I do not know how far we can get next week. It may be that it would be toward the end of next week. If not, it would be as soon as we get back after the recess period.

During that period of time, I hope that both of you would be available at some point during that time interval.

Any other thing you would like to bring to our attention today? [No response.]

Ambassador **Nitze**. Thank you very much, Mr. Chairman.

Chairman **Nunn**. Thank you.

[Whereupon, at 4:06 p.m., the committee was adjourned.]

NATO DEFENSE AND THE INF TREATY

FRIDAY, MARCH 18, 1988

U.S. Senate,
Committee on Armed Services,
Washington, DC.

INF TREATY NEGOTIATING RECORD

The committee met, pursuant to notice, at 9:42 a.m., in room SR-222, Russell Senate Office Building, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Levin, Wirth, Warner, Thurmond, Humphrey, Cohen, Quayle, and Wilson.

Also, present: Senator Ted Stevens.

Staff present: Arnold L. Punaro, staff director; Carl M. Smith, staff director for the minority; Jeffrey H. Smith, general counsel; Patrick A. Tucker, minority counsel; Andrew S. Effron, counsel; Robert G. Bell, Robert F. Bott, and Brian D. Dailey, professional staff members; and Lucia M. Chavez, staff assistant.

Also present: Robert P. Savitt, assistant to Senator Cohen; Henry D. Sokolski, assistant to Senator Quayle; and Mark J. Albrecht, assistant to Senator Wilson.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Chairman Nunn. The committee meets this morning in closed session to conduct our final hearing on the INF Treaty—my voice is bad this morning, so I apologize for not projecting better. Our witnesses this morning are Ambassador Glitman, Ambassador John Woodworth, representing the Defense Department, and General Frank Partlow, representing the Joint Chiefs of Staff.

In a letter which Senator Warner and I sent to Ambassador Glitman on March 9, which I will put in the record, we asked Ambassador Glitman to bring with him representatives from these two organizations who can speak knowledgeably and authoritatively about their organizations' positions on key military assessments during the negotiations, such as the decision to agree to ban conventionally-armed ground-launched cruise missiles of INF range.

[The letter referred to follows:]

U.S. Senate,
Committee on Armed Services,
Washington, DC, March 9, 1988.

Hon. Maynard W. Glitman,
Chief Negotiator on Intermediate-range Nuclear Forces, Department of State, Washington, DC.

Dear Ambassador Glitman: As you know, we are now planning on having you back before us again on March 18 for what we intend as the final committee hearing on the INF Treaty. The hearing will begin in closed session in SR-222 and will take up any questions which could not be addressed in previous open sessions and any issues which have been identified in the review of the INF negotiating record. The hearing will then go into an open session, if needed, to provide members an opportunity to raise any additional questions they may have with regard to the meaning or implications of the treaty.

To help make this session as productive as possible, we wanted to offer a few suggestions. First, it is crucial that we receive as soon as possible your answers for the record to the 52 questions from the committees article-by-article review which are still outstanding from our original list of 135. We understand that you have signed off on draft replies and that the submissions are now being cleared through the inter-agency process. We would ask that this review be expedited, as we will need to review your responses prior to hearing and do not want to burden that hearing, if at all possible, with these questions.

Second, we would ask that you bring with you representatives of the Joint Chiefs and DOD who can speak knowledgeably about their organizations' positions on key military assessments during the negotiations, such as the decision to agree to ban conventionally-armed GLCMs of INF range. Members can be expected to ask additional questions about the evolution of decisionmaking within the administration on this and other issues, and it is imperative that appropriate officials be present at the March 18 hearing to provide authoritative responses.

Third, we would ask that you be prepared at the hearing to address the four questions which were asked during previous sessions but reserved for a closed session (see attachment).

Finally, we expect to give you a heads-up early next week on which aspects of the INF negotiating history we intend to explore at the hearing. Our colleagues may, of course, raise other issues related to the negotiating record at the hearing.

We look forward to seeing you on the 18th.

Sincerely,

SAM NUNN,
Chairman.

JOHN W. WARNER,
Ranking Minority Member.

QUESTIONS DEFERRED TO CLOSED SESSION [1]

1. How can the United States verify GLCM range capabilities based on the cruise missile range definition contained in article VII(4) of the treaty ("The range capability of a GLCM not listed in article III of this treaty shall be considered to be the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion . . .")? (2/22; pp. 55&57)

2. How can the United States verify that RPVs are not weapons delivery vehicles? (2/22; p. 74)

3. How can the United States determine whether reconnaissance drones are capable of delivering weapons? (2/22; pp. 86&127)

4. Why did the Soviet Union reject elimination under the treaty of multiple-bay garages for shorter-range missiles? (2/23; p. 107)

We will consider Ambassador Woodworth and General Partlow to be these authoritative witnesses on behalf of OSD and the Joint Chiefs. Am I correct in assuming that you both are speaking authoritatively on behalf of your organizations?

Ambassador **GLITMAN**. You seemed to hesitate.

Ambassador **WOODWORTH**. We have sort of mixed hats, both negotiators and from our agencies. But most of our experience is obviously in the negotiating side of the business.

General **PARTLOW**. Mr. Chairman, I have brought with me Colonel Mike Wheeler, who was responsible for orchestrating the development of the Joint Chiefs of Staff position on this side of the Atlantic while I was following the administration's instructions on the other side of the Atlantic.

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[1] Hearing date and transcript page reference in parentheses.

So it depends on which side of the Atlantic the question lands on.

Chairman NUNN. Between the two of you, you will be able to set forth the Department's position.

Ambassador Glitman, am I under the correct impression that our witnesses are authoritative witnesses this morning?

AMBASSADOR MAYNARD W. GLITMAN, CHIEF NEGOTIATOR ON INTERMEDIATE-RANGE NUCLEAR FORCES

Ambassador GLITMAN. That is correct, Mr. Chairman. We received your letter and we asked the agencies involved to send with me today the people that they wished to represent them in accordance with your letter, and here they are.

Chairman NUNN. This closed session will first deal with questions which could not be answered in previous open sessions. In our March 9 letter, we advised Ambassador Glitman of four questions held over from our sessions on February 22 and 23, and I would propose to begin the questioning round by asking those questions.

I would then suggest we take up any questions, other than the questions relating to the negotiating record, which members want to ask, which require classified answers.

Senators Wirth, Levin and Quayle sent some questions on cruise missiles down to Ambassador Glitman after our February 25 hearing which may fall into that category.

Next I suggest we take up questions on the negotiating record. The administrative staff of the Senate Arms Control Treaty Review Support Office has brought a complete set of the 31 volumes of documents over this morning, as well as the working material our staffs have been using.

At 11:30 or somewhere in that neighborhood, depending on how it goes, we will recess this hearing briefly to convene a closed session on how the committee will approach the committee report on the INF Treaty. Senator Warner and I will also inform the committee of our upcoming testimony before the Senate Foreign Relations Committee.

I understand that Ambassador Woodworth has another engagement and will need to leave at a quarter to 12. I suggest we take our break at 11:45 and notify the members we will be discussing the committee report on INF, and that Senator Warner and I will also discuss our plans for testimony before the Foreign Relations Committee.

I do not expect that session to take more than 20 or 30 minutes. Depending on how far along we are on questions, we can resume the closed session on the negotiating record.

If members desire to have any parts of this hearing in open session, once we finish with the classified issues, we will move to open session and proceed with final questions that members want to raise relating to the treaty.

First, a few administrative matters. I would state that we will consider this session to be at the top secret level, unless Ambassador Glitman indicates otherwise. There are staff in the room who are cleared for the negotiating record, but who do not have Codeword clearances. If we need to cover any matters at the Codeword level, we will need to be notified and we will set those matters aside until we clear the room of persons without the appropriate clearances.

Second, I would ask the committee staff director Arnold Punaro to verify that all legislative branch personnel present have the appropriate clearances as well as access to the negotiating record.

Mr. PUNARO. I so verify, Mr. Chairman.

Chairman NUNN. Without objection, then, I will insert for the record, a letter from Mr. Ed Fox, Assistant Secretary of State for Legislative Affairs, pertaining to this closed session, as well as a list of cleared Senate staff personnel.

[The material referred to follows:]

U.S. DEPARTMENT OF STATE,
Washington, DC, March 17, 1988.

DEAR SENATOR BYRD: I am writing to confirm arrangements which have been worked out between your staff and the State Department for the possible use, in closed Senate proceedings, of materials from the INF negotiating record to which the Senate was granted access on February 5 pursuant to the agreed Terms of Access.

We have agreed that these Terms of Access will remain unchanged and will govern access to and use of these materials except that: (1) these documents may be removed from the Senate Arms Control Treaty Review Support Office for the purpose of examination during closed committee proceedings and closed sessions of the Senate, under appropriate secure conditions; (2) access to these documents may be provided to two additional cleared staff members, one each to be designated by the majority leader and the Republican leader; and (3) a cleared reporter and clerk may also be present.

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative Affairs.

ARMS CONTROL TREATY REVIEW OFFICE

ADMINISTRATIVE STAFF

Judy Keating, Administrator.
Dick Kimmel, Security Officer.
Bruce Vaughn, Research Assistant—Intelligence.
Bob Esler, Research Assistant—Armed Services.
Tom Tremble, Research Assistant—Foreign Relations.
Kevin Appleby, Research Assistant—Majority/Minority.
Jan Suter, Receptionist/Staff Assistant.

ARMS CONTROL TREATY REVIEW SUPPORT OFFICE

STAFF DESIGNEES

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Sven Holmes, Majority Leader.
Arnold L. Punaro, Majority Leader.
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Jeffrey H. Smith, Armed Services.
Andrew S. Effron, Armed Services.
Robert G. Bell, Armed Services.
Robert F. Bott, Armed Services.

Brian D. Dailey, Armed Services.
Patrick A. Tucker, Armed Services.
G. William Ashworth, Foreign Relations.
Chris Van Hollen, Foreign Relations.
David S. Sullivan, Foreign Relations.
Darryl D. Nirenberg, Foreign Relations.
George Tenet, Intelligence.
Gina Genton, Intelligence.
Edward Levine, Intelligence.
Michael F. Mattingly, Intelligence.
Gary Sojka, Intelligence.
Bob Savitt, Intelligence.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 18, 1988.

MEMORANDUM FOR THE RECORD

Pursuant to letter dated March 17, 1988 from J. Edward Fox, Assistant Secretary for Legislative Affairs, Department of State, to Senator Byrd concerning use of INF negotiating record and material in closed Senate proceedings and Terms of Access, Lucia Monica Chavez, Senate Armed Services Committee, has been added to the access list for administrative purposes, to assist throughout the committee's hearings on the INF Treaty. Likewise, Michal Ann Shafer, of Alderson Reporting Company, Washington, DC, has been added to the access list as the recorder for the official transcripts of these closed hearings.

Chairman NUNN. Ambassador Glitman, I will ask you to verify that the 17 people from the executive branch listed on the sheet provided by the State Department for access to this hearing are indeed the 17 people in the room. I understand you have added five more, so I guess we have about 22 people.

Ambassador GLITMAN. Senator, there are some people in the room who I do not know by sight.

Chairman NUNN. Who is certifying the three from the Arms Control Treaty Review Support Office?

Mr. PUNARO. We are.

Ambassador GLITMAN. I can certify for the administration people.

Chairman NUNN. Thank you.

We will insert the list of the people that are here for the record, for both the legislative and the executive branch staffs.

[The material referred to follows:]

ACCESS LIST FOR SASC CLOSED HEARINGS

MARCH 18, 1988

Name	Date of birth	Social Security No.	Agency
Glitman, Maynard W	Dec. 8, 1933	334-26-5655	State.
Partlow, BGen Frank	Sept. 1, 1938	216-36-5882	JCS.
Wheeler, Col. Michael	Dec. 8, 1944	585-07-7997	JCS.
Lawson, Karin L	April 17, 1952	227-80-7312	ACDA.
Simmons, Robert	Nov. 20, 1950	114-36-2375	ACDA.
Woodworth, John A	July 5, 1941	301-36-2633	OSD.
Cassidy, Paul	Sept. 18, 1940	011-30-6907	OSD.
Ankley, LtC William J	Feb. 16, 1948	248-90-8598	State.
Walpole, Robert D	Oct. 14, 1953	528-74-4768	State/INR.
Reddy, Leo J	Oct. 24, 1933	031-26-2574	State.
Kincaid, Col. Thomas	Oct. 29, 1944	226-58-4518	JCS.
Cady, Gerald	June 5, 1951	030-40-5134	DIA.

ACCESS LIST FOR SASC CLOSED HEARINGS—Continued

MARCH 18, 1988

Name	Date of birth	Social Security No.	Agency
Corbett, Joan	April 10, 1941	024-32-3650	State.
Warren, Betsy	July 28, 1943	016-34-6405	State.
[Deleted.]			
Jones, David T	Dec. 22, 1941	198-34-2489	State.
[Deleted.]			

March 18, 1988.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The following are authorized to participate in the SASC closed hearing on INF, March 18, 1988:

Martin Scheina, DIA; LTC Judith Schroeder, DIA; Leon Pfeiffer, DOD/ISP; Tom Harvey, DOD LA; and Geoff Levitt, STATE.

Sincerely,

LEO J. REDDY,
Director, INF Treaty Ratification Task Force, Department of State.

Chairman **NUNN**. I would further state that the appropriate physical and technical security measures have been taken and are ongoing, and should not be discussed here today.

Finally, as is the normal procedure for a classified session, we will work with the State Department in terms of producing a declassified version of this hearing for publication as part of the committee's public record on the treaty.

Ambassador Glitman, I understand you do not have an opening statement this morning. I would first ask Senator Warner, before we go to questions, if he has any comments.

Senator **WARNER**. I have no comments to begin.

Chairman **NUNN**. Mr. Ambassador, I submitted to you the questions that were to be first this morning, and I will go through those questions first. First, how can the United States verify ground launched cruise missile range capabilities based on the cruise missile range definition contained in article 7, subpart 4, of the treaty, which reads:

> The range capability of a GLCM not listed in article 3 of this treaty shall be considered the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion.

How can we verify those capabilities under that definition?

Ambassador **GLITMAN**. Senator, we will rely on national technical means to accomplish that. I think it is important to note that cruise missile range verification is not an easy thing to do, given the nature of the system. But this definition, coupled with our national technical means, will provide us with an opportunity first to verify and then second to form the basis for any compliance complaint that we may have regarding a specific Soviet system that we would see.

Chairman **NUNN**. We have heard a good bit of concern about cruise missiles and the fact that the range depends on what kind of load you put on them, and that you can put a lighter load on them and extend the range. How do you respond to that in terms of this treaty?

Ambassador GLITMAN. There again, Senator, this definition—as I have pointed out, it is difficult to deal with that issue, whether it is this treaty or any other. But the definition does provide us with the basis for a compliance complaint if we conclude, based on national technical means, that the specific missile in question appears to us to fall within the range criteria of this treaty.

Chairman NUNN. We have also heard a great deal of testimony about RPV's. How can the United States verify that RPV's are not weapons delivery vehicles?

Ambassador GLITMAN. Here again, the basic means will be by national technical means. [Deleted.] We can distinguish the difference in the infrastructure of the systems as well. That is to say, the forces that would accompany an RPV as opposed to the type of forces that would accompany a cruise missile.

Chairman NUNN. Could I also get the military witnesses to answer both questions. How can we verify GLCM ranges based on the definition contained? That is the first question I would ask our military witnesses.

BRIG. GEN. FRANK PARTLOW, REPRESENTATIVE OF THE JOINT CHIEFS OF STAFF TO THE INF TALKS, ACCOMPANIED BY COL. MICHAEL WHEELER, CHIEF, NUCLEAR AND SPACE NEGOTIATIONS DIVISION, JOINT CHIEFS OF STAFF

Colonel WHEELER. Mr. Chairman, from the military perspective our answer would be precisely the same as the Ambassador gave. You rely on national technical means.

Chairman NUNN. Excuse me, I did not hear all of your answer.

Colonel WHEELER. From the military perspective, Mr. Chairman, our answer will be exactly the same as what the Ambassador gave: you rely on national technical means. Those national technical means can be targeted against [deleted].

But it is a very difficult issue. Nobody is denying that. National technical means are the key that we look at.

Chairman NUNN. Are you satisfied that we can do it? How would you categorize your degree of confidence, on a scale of 1 to 10, that we can verify GLCM ranges based on this definition?

Colonel WHEELER. Mr. Chairman, it would depend on the particular system that was being focused on. And at that point I would defer to an intelligence community assessment in that case.

Chairman NUNN. General Partlow, do you want to answer this?

General PARTLOW. I simply support the answers that you have already heard, Mr. Chairman. [Deleted.]

Chairman NUNN. [Deleted.]

General PARTLOW. [Deleted.]

Chairman NUNN. But if it was a capable force, you believe you could detect it?

General PARTLOW. Yes, sir.

Chairman NUNN. Ambassador Woodworth, do you want to comment on that first question?

AMBASSADOR JOHN WOODWORTH, DEPUTY NEGOTIATOR TO THE INF TALKS

Ambassador **Woodworth**. I do not have too much to add to what has been said, but I would agree very much with what General Partlow has said, that it is very important to take into account the overall system and all of the characteristics associated with it.

A single missile case is obviously problematical, but we do believe that we would have a far higher probability of detecting violations with respect to deployment of an entire system. A specific estimate on our probabilities to detect this should be given by the intelligence community.

Chairman **Nunn**. Well, I am going to ask the intelligence community for a response to question two. On question two, could I ask, how the United States can verify that RPV's are not weapons delivery vehicles? Could I ask our military witnesses and you, Mr. Ambassador, to comment on that question.

Colonel **Wheeler**. Mr. Chairman, again one relies on national technical means to see whether or not a weapon has been delivered by a particular remotely piloted vehicle. That would be my answer.

Chairman **Nunn**. General.

General **Partlow**. Same answer, sir. [Deleted.]

And here again, I refer back to my earlier answer, [deleted].

Chairman **Nunn**. Mr. Ambassador.

Ambassador **Glitman**. I give the same answer, Senator.

Ambassador **Woodworth**. And I would have the same answer as well.

Chairman **Nunn**. How confident are you? We have heard witnesses testify that there is no way to verify this RPV, that they are not weapons delivery vehicles. How confident are our military witnesses that, if indeed it was beyond, let us say, one RPV or beyond three or four and got to a point where it would be a serious force, how confident are you that you would be able to detect if these were converted to weapon delivery vehicles, if they could be converted to them?

General **Partlow**. [Deleted.]

Chairman **Nunn**. [Deleted.]

General **Partlow**. [Deleted.]

Chairman **Nunn**. [Deleted.]

General **Partlow**. [Deleted.]

Chairman **Nunn**. Colonel, do you agree?

Colonel **Wheeler**. Mr. Chairman, I would answer it slightly different. I would say that it is extraordinarily difficult to attempt to answer a question like this in the abstract.

But I would like to talk for a moment about the military significance of any such cheating activities. The thought process that the Joint Chiefs of Staff went through in assessing the double global zero outcome and assessing questions of the sort that you are posing today did involve their looking at questions of military sufficiency, military significance, et cetera.

The sorts of things that I think they would take into account in answering a question like yours would be not only the question of, is it hypothetically possible to do one, but on a case-by-case basis look at such things as what quantitative level are you talking about? Is it a system that is going to be widely spread through the Soviet military forces, and if so what threat would it pose if all of a sudden you did find that there was a breakout that was associated with it?

They would look at the kind of weapon, the specific capabilities of the weapon, the target coverage, the survivability and factors of that sort, certainly the state of readiness, the state of training for a particular force, and how that would be employed.

They look at other forces that are available that could be substituted to do essentially the same thing in terms of target coverage and achieving damage levels. They would look at the United States and, for that matter, Allied and perhaps even Third World, military counters or surge capabilities for that, and then the overall political-military situation in which that sort of unexpected conversion might take place.

Now, that, Mr. Chairman, would be the kind of abstract answer to the general question of, for any RPV or for any system of that sort, for that matter, could it be converted and if it were converted what kind of threat would it pose?

It is extraordinarily difficult to tie it down to much more than that unless you look at a very scenario-specific, case-by-case assessment of what weapon, deployed where, in what force infrastructure, at what point of time.

Chairman NUNN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Chairman NUNN. [Deleted.]

WITNESS. [Deleted.]

Chairman NUNN. [Deleted.]

WITNESS. [Deleted.]

Chairman NUNN. [Deleted.]

WITNESS. [Deleted.]

Chairman NUNN. [Deleted.]

WITNESS. [Deleted.]

Chairman NUNN. I know Senator Quayle has been concerned about this issue and asked questions, so as one of my final questions, before I defer, I would like to get the Joint Chiefs' perspective on the question of banning conventional ground-launched cruise missiles.

We have heard from witnesses—and I must say, I am apprehensive myself—that we are giving up an option that could very well be very important in the future. How do the Chiefs view this in terms of what we are actually giving up?

Do the Chiefs believe that we might need to develop that kind of option? Do they believe it was a viable option for conventional defense? Could you give us your views?

Colonel WHEELER. Yes, sir, Mr. Chairman.

Let me preface my remarks by explaining to you that the perspective which I have on answering the question is as Chief of the Nuclear and Space Negotiations Division of the Joint Staff. It is my responsibility to identify issues as negotiations go on, not only INF but START and Defense and Space, and to see that supporting military assessments are done, so they can be brought to the attention of the Chiefs for their decision.

Certainly, this was one of those sorts of issues, and I would like to answer the question both in terms of process and substance to give you as comprehensive a picture as I can of the evolution of the Chiefs' thought process on the issue.

Over the first several years of the negotiations, from 1981 through early 1987, the specifics of what the outcome of the treaty would look like, particularly whether or not you would have short-range INF systems of one sort or another that would be permitted on both sides, and also the possibilities for the verification regime, were fairly undeveloped. And over that period of time the Chief's view was one of a fairly intuitive judgment of the extraordinarily difficult task we would have, if you permitted conventionally-armed ground-launched cruise missiles of any range, of being able to effectively verify the distinction between the conventional and the nuclear-armed systems.

Now, when one comes to 1987, things become a little more focused, and I break down the thought process into three phases there. The first would be the spring of 1987, [deleted].

Now, what happened over the course of the next several months, through that spring basically, was a very focused set of studies [deleted] looking at the question of if you did end up with a double global zero outcome and you had a post-INF world, [deleted].

The question of a conventionally-armed ground-launched cruise missile was a subsidiary element of those studies. [Deleted.]

Now that was the springtime. I emphasize that because it was the kind of framework in which they later looked at more focused matters. Now I come up to the summer of 1987. Three things came together in the summer. One was a better understanding of verification possibilities [deleted].

So you had verification better defined for them. And where I earlier had said a fairly intuitive judgment on the difficulty of distinguishing nuclear from conventionally-armed, I think they were able to take their intuitions and stress them a little bit at that point.

The second thing was the Defense Science Board study on the strategic nonnuclear capabilities that had been tasked in early 1987 was conducted in the summer of 1987, and was briefed to the Chiefs that fall. [Deleted.]

And the third thing was the Joint Staff was asked to look very carefully at operational military requirements that had been reviewed in the Joint Services Oversight Council and ensure that those operational military requirements which the military had established were not inconsistent with positions that we were taking [deleted].

Now this brings me up to the third part of the evolution of the process, and that was the fall of 1987. In the fall of 1987 the Chiefs had before them a better understanding of verification. They had before them the Defense Science Board study. They had before them the intense work that had been done that summer on what post-INF environment in a double global zero world would look like.

[Deleted.]

Chairman NUNN. If we allow it?

Colonel WHEELER. If we allow it, yes, sir. [Deleted.]

Now here I would emphasize that it was the ground-launched mode where that judgment was being made, because when they finally came to their decision to support the conclusion that eliminating or banning the conventionally-armed ground-launched cruise missiles in the 500 to 5,500 kilometer range, as well as the nuclear armed, when they finally came to that conclusion there were, I think, four major elements leading to that conclusion.

One is that distinguishing conventionally-armed from nuclear-armed ground-launched cruise missiles was going to be extraordinarily difficult from a verification point of view and that to the extent you had eliminated infrastructure you would increase significantly your confidence that you had taken out a certain kind of capability from the Soviet force.

Second, the SLCM, ALCM, remotely-piloted vehicles which were not intended for weapons delivery purpose in the INF ranges and some of your delivery systems in the ranges shorter than 500 kilometers, such as the tactical air-to-surface missile, were extraordinarily important—SLCM, ALCM and the TASM—in part because of substitutability that you could have for kinds of capabilities that you had lost.

And third, it was not clear that the United States would benefit more than the Soviets from attempting to maintain the option to have a conventionally-armed ground-launched cruise missile in that 500 to 5,500 kilometer range.

[Deleted.]

So out of that kind of a process, Mr. Chairman, the Joint Chiefs arrived at their position by the fall of 1987 that they would support the banning of conventionally-armed ground-launched cruise missiles in the 500 to 5,500 kilometer range. Once again, the emphasis was on ground-launched; they were not making a judgment on cruise missile technology employed in a conventional role. They were making a judgment on a particular basing mode for that technology.

Chairman NUNN. In other words, you are saying that the Joint Chiefs' net assessment was, if we did not ban all cruise missiles, including conventional, that it would have been harder to verify the banning of the nuclear side; is that right?

Colonel WHEELER. All ground-launched. And not only would it have been harder to verify the banning of it, it is not clear that if you allowed the Soviets that kind of capability that the United States would be the one who benefited the most.

Chairman NUNN. That was the second question. When you say it is not clear, are you saying if we had permitted ground-launched cruise missiles of the conventional variety, it would have been of more benefit to the Soviet Union than the United States?

Colonel WHEELER. [Deleted.]

Chairman NUNN. Why does that logic not apply to sea-launched and air-launched?

Colonel WHEELER. [Deleted.]

Chairman NUNN. Who is ahead in ground-launched cruise missiles now—in terms of research and the ability to field a system—the United States or the Soviet Union?

Colonel WHEELER. Mr. Chairman, I am not prepared to give expert testimony on that particular question. I would defer to the intelligence community for an assessment of where the Soviets stand in ground-launched cruise missiles.

Chairman NUNN. General, can we get your comments on any or all of this?

General PARTLOW. I was informed in the process that Colonel Wheeler has just gone through, and certainly he was here and I was in Geneva, so he has to speak authoritatively to the process, and I certainly agree with what he said there.

With regard to your last question, I think it is intuitively obvious that in terms of deployed systems we are ahead of the Soviet Union, but I defer also to what Colonel Wheeler said with regard to expert testimony on the potential capabilities of their systems versus the potential capabilities of our systems. I do not know. I do know that we will, as a result of the INF Treaty, end up in fact destroying more systems than the Soviet Union will.

Chairman NUNN. Conventional systems?

General PARTLOW. Cruise missiles, just ground-launched cruise missiles generally.

Chairman NUNN. I am focusing on the conventional side.

General PARTLOW. I cannot answer the question on the conventional side, sir.

Chairman NUNN. Ambassador Glitman.

Ambassador GLITMAN. If you would allow a nonmilitary man to make an additional point, we are tending in the questioning and answering to focus on Europe. But the value to use of sea-launched and air-launched conventional cruise missiles in areas other than Europe is very high, and I do not think we would put the same value on a ground-launched system, for example, in the Far East or wherever you want to hypothesize.

Chairman NUNN. Thank you. I have one more question, and then I will defer to the other members. I am taking more time, but these were questions that had not previously been answered. Senator Quayle, I will defer to you. I know you have been interested in this issue, so if we could stay on this subject until we are completed, then we can come back and ask other questions.

Senator QUAYLE. Let me focus a little bit on the process. What kind of communication did the Joint Chiefs have with General Galvin and General Rogers, but in particular General Galvin, who was there at the time, asking him how far along they were to establishing a military requirement for the conventional ground-launched cruise missile?

Colonel WHEELER. Senator, in the process that I described, one of the things that was being looked at was [deleted].

Senator QUAYLE. It is my understanding that that is one of the main reasons that was given to the President and to his advisors, was that we did not have a military requirement for the ground-launched cruise missile.

Colonel WHEELER. Senator, I cannot testify as to what was told the President.

Senator QUAYLE. That is my impression, for the edification of the members here. That was one of the reasons.

My question is, what kind of communication did you have with SACEUR, with NATO, to see how far along they were in coming to a formal requirement for a conventional ground-launched cruise missile.

Colonel WHEELER. [Deleted.]

Senator QUAYLE. They were not advised of that?

Colonel WHEELER. That is right.

Senator QUAYLE. I think that is the case, and one of the problems of a disconnect that we have, because, as I have said before, I got into this thing in August 1987 when in fact I was on a family vacation and I got word that we were about ready to ban the conventional cruise missile. It had been, up to then, our position that we were not going to do that.

When I got into it—and, as a matter of fact, I made a call to General Galvin and he said well, you are the first one to ask me about that. And I said you mean I am the first person to call you to ask about the conventional cruise missile and the potential ban, and he said yes. I said, well, where are you? He says, we do not have a formal requirement, but I can tell you we are about 90 percent there.

And I said well, that is curious. So I fed that information then back into the system. But the point is the person who has the responsibility over there really was not even asked or taken the time to get the information on where we were as far as a NATO formal requirement for this, and that is one of the disturbing aspects that I find of where we gave away or conceded to the Soviets on banning the conventional cruise missile.

It is my understanding that it was the Soviets that were pushing the ban on the conventional cruise missile; is that correct?

Ambassador GLITMAN. The Soviets expressed on more than one occasion the view that they wished to see all ground-launched cruise missiles of INF range, regardless of whether they were conventional or nuclear armed, eliminated by the treaty. But I would not agree necessarily—in fact, I would not agree with the statement, Senator, that it was a concession to the Soviets, given what you have just heard about the military judgment concerning the system.

It could easily be said that it was in our interest as well not to permit the Soviets to field an unlimited force of "conventionally" armed GLCMs.

Senator QUAYLE. Who was pushing? Were we pushing the Soviets to go along with a ban on the conventional cruise missile, or were the Soviets pushing us?

Ambassador GLITMAN. Our position essentially, from the spring 1987 until we changed it, was to leave open this option. The Soviets were not in favor of such an option. They wanted to close it, as I said. We also had activity going on in Washington, an analysis, which led us to the conclusion, as you have just heard, that it would not be to our advantage, from either military or verification standpoints, to have such an option open.

Senator QUAYLE. Notwithstanding, getting down to what the net assessment may or may not be, it is rather vague on who is going to get an advantage. The point is, and maybe you want to dispute this, the point from my viewpoint is that the Soviets were pushing this. I am also told that in fact it was told to the President that if in fact we did not concede on this issue that in fact could be a treaty buster, that the Soviets felt that strongly about making sure that the conventional cruise missile was banned.

Now, reading that, it certainly leads me to believe that it was the Soviets who were adamant about this and not the United States. Do you want to take issue with what I have said?

Ambassador GLITMAN. Well, Senator, I am not sure who said what to the President. You have got a source there. I can only repeat what I said. It is correct that the Soviets were not in favor of such an option being left open.

Senator QUAYLE. They wanted a ban.

Ambassador GLITMAN. They wanted a ban, but——

Senator QUAYLE. That is the point, because it goes to the Colonel's point here.

Senator LEVIN. Why don't you let him finish his sentence?

Senator QUAYLE. Okay.

Ambassador GLITMAN. But it is not the whole point.

Senator QUAYLE. Are you finished?

Senator LEVIN. He said "but", and I was wondering what was coming after.

Ambassador GLITMAN. It is not the whole point, because, as I have pointed out, we were doing an assessment of our own. And when we completed our internal assessment, we concluded—I will not repeat what the Colonel said.

Senator LEVIN. Why not?

Ambassador GLITMAN. Why won't I repeat it?

Senator LEVIN. Yes.

Ambassador GLITMAN. Well, the military concluded that, on balance, (a) it would not be verifiable, and (b), if it were verifiable and we were to permit it, there was a strong likelihood that we would come out less well than the Soviets in such a situation.

Senator QUAYLE. So, in other words, the Soviet position was really to our advantage—the Soviet position of banning the conventional cruise missile? We did not realize it was really to our advantage to accept the Soviet position. That is what you are telling us.

Colonel WHEELER. Senator, I would characterize it in terms of drawing a distinction in advantages and disadvantages. Nobody is denying the ground-launched cruise missile gives you advantages of sorts. The question is, when you stack up everything that you need to look at in terms of what capability that gives you and what capability that gives the Soviet Union for cruise missiles in a ground-launched mode—not sea-launched, not air-launched, but ground-launched—where the United States and the Soviets would end up. [Deleted.]

Senator QUAYLE. That is true. There was no requirement, and I am not disputing that. And I think that was one of the things that you fell back on, since there was not a requirement.

My concern was that you did not realize they were 90 percent there to get a requirement. I am not disputing there was not a requirement. Is there a requirement for a long-range or intermediate-range conventional ALCM?

Colonel WHEELER. [Deleted.]

Senator QUAYLE. See, we are in the same position, going back to the chairman's position. If we take this thing logically—I am not saying we do things logically—you get back and you have problems with verification. There is no requirement, formal requirement, for an ALCM right now, and you are in the same position. Although you say we do not want to compromise on ALCMs like we did on GLCMs, we are in categorically the same position today on ALCMs as we were on GLCMs.

Colonel WHEELER. Senator, I would disagree on that.

Senator QUAYLE. You disagree on that?

Colonel WHEELER. Yes, I would, because I believe the Joint Chiefs of Staff, both in their testimony during the course of the INF Treaty and certainly in their deliberations are looking at ALCMs very differently than they looked at GLCM in terms of advantages and disadvantages that are associated with it. I would say the same for sea-launched cruise missiles.

Senator QUAYLE. There is a temporary operational requirement for the conventional SLCM. There is not yet on the ALCM.

Colonel WHEELER. I would ask one clarifying question here, Senator, and that is what would you mean by the long-range ALCM, because there are requirements and it depends on what range threshold one looks at.

Senator QUAYLE. Say 4,000 and above kilometers.

Colonel WHEELER. [Deleted.]

Senator QUAYLE. I do not think there is. There is not; I am fairly certain of that, but I think we are working on one. But there is not one and that goes to the chairman's point.

I was curious that you mentioned, Colonel, that in the summer the DSB, the Joint Chiefs conferred with the DSB. What was their recommendation on this?

Colonel WHEELER. What was the Defense Science Board recommendation?

Senator QUAYLE. Yes.

Colonel WHEELER. [Deleted.]

Senator QUAYLE. What was their position on whether we should concede to the Soviet position of banning the ground-launched conventional cruise missile?

Colonel WHEELER. [Deleted.]

Senator QUAYLE. Let me try to simplify that a little bit. Did the DSB recommend going ahead with a ban on the conventional cruise missile, ground-based? Yes or no?

Colonel WHEELER. [Deleted.]

Senator QUAYLE. [Deleted.]

Colonel WHEELER. [Deleted.]

Senator QUAYLE. Well, I am of the opinion, and we ought to ask this, I am under the opinion that the DSB recommended against banning the conventional cruise missile, but I could be misinformed. I am informed to the contrary.

Chairman NUNN. Do you have any knowledge of that, Colonel, that they did or did not at any point in time?

Colonel WHEELER. [Deleted.]

Chairman NUNN. Do you have any knowledge of that, Colonel, that they did or did not at any point in time?

Colonel WHEELER. [Deleted.]

Chairman NUNN. So you would know if they had made that kind of an active recommendation?

Colonel WHEELER. [Deleted.]

Chairman Nunn. Perhaps on that question you could supplement this for the record. I would say on any of these questions if you need to supplement it, we would like to have it. But you can go back and make sure of that one.

Senator Quayle. I do not think I have any more questions on this.

Ambassador Glitman. Mr. Chairman, if I could help round out this discussion on conventional cruise missiles, I would make two additional points and maybe go ahead and answer a couple of your other questions that you and Senator Levin and Senator Wirth sent to me.

When we moved in the direction of suggesting, in the spring 1987, the possibility of leaving the option open for conventional cruise missiles, one of the points that was made at that juncture was it had to be verifiable. We had to be able to verify that with this option, if it were implemented, you would be able to tell the difference between the nuclear and conventional.

You then asked, in your set of questions, in fact whether we had ever told the Soviets about a verification approach for conventionally armed cruise missiles. I am looking for the exact question here: "Prior to the stage in the INF negotiations when President Reagan reversed his position and decided to accept the Soviet proposal to ban conventionally-armed GLCMs, what, if any, verification approach had we presented or suggested to the Soviets for distinguishing banned nuclear GLCMs and permitting conventional GLCMs?"

The answer is none. In Geneva we never received any such regime and had none to present. The criteria, one of the conditions for putting forward and keeping open that option—in fact the principal one—was that it could be verified. But, we never had anything to put on the table.

Then you also asked if such proposals or ideas were ever communicated to the Soviets either formally or informally. They were not.

Next you asked, what was the consensus within the administration as to how we should ultimately propose to handle this verification challenge? I leave it to those who were back in Washington to answer that. My understanding was there was no consensus. We had no program. We did not come up with one, could not come up with one that was agreed.

Senator Quayle. I think what I am trying to figure out is the rationale and the reasons and where we are, and I think that it is probably the motivating factor for us conceding to the Soviet position on this. That is my own judgment, notwithstanding some of the other things, looking at the net assessment and all that. I think one of the overriding issues is verification. I can tell you that some, when you got up there, probably said you mean to tell me you cannot tell us how to verify the conventional and the nuclear GLCM, go back. I mean, we cannot take this treaty if you cannot verify that.

And you would come up here and you would be naked on it. I mean, I understand that, and that is what I think—that is why I think it was resolved. But you also know where I am going to go from here. It is going to go right where the chairman went, and that is, you know, that was the major problem, that we did it on this, and therefore why would we not go ahead and do it in START.

So now we have got essentially the same problem and that is the fundamental underlying issue that I am trying to grasp and get an understanding as we go forward. This goes right to Senator Nunn's original point, and I think that is right, from my reading of it. That was the primary thing. You guys had to come up here, and I could imagine what a good time Senator Helms and others would have had.

But I think that is fair. I mean, I think that is the reason that we finally got around to this. That was probably the motivating reasons we went with the Soviet position on that.

Chairman NUNN. If Senators Boren and Cohen would make things verifiable instead of fooling around over there at intelligence, we would be better off. [Laughter.]

Ambassador GLITMAN. I just want to add, as regards General Galvin, there is an interview that he gave in the March issue of Armed Forces Journal which is highly supportive of the treaty, so regardless of whether he was 90 percent there, on a conventional cruise missile requirement he still came out for the treaty.

Chairman NUNN. He testified before our committee.

Senator QUAYLE. There may be some people that will vote for the treaty that are absolutely, unalterably opposed to banning the conventional cruise missile.

Senator LEVIN. Is that a hint?

Senator QUAYLE. No. [Laughter.]

Chairman NUNN. General.

General PARTLOW. [Deleted.]

One of the principal functions of my office in Geneva was to make sure that General Galvin and his headquarters were kept up to speed on the status of the negotiations, and I personally participated in a number of briefings to General Galvin and key members of his staff, to include the so-called DCINC, General Richards, who resides in EUCOM, and these briefings were given periodically both before and after this position was taken. [Deleted.]

Chairman NUNN. So he was kept informed with MEMCONS? He had all the MEMCONS?

General PARTLOW. Yes, sir. Not all, but he was on distribution for the message traffic coming out of Geneva, but that was in fact supplemented by personal briefings, and, I might add, briefings from the START and Space and Defense negotiators. And we did not consider, nor do I personally think it proper, that this mechanism, this information mechanism is a proper place for a CINC to make known a requirement, in any event. We have other procedures for him to make known a requirement.

Senator QUAYLE. Did you ever ask if there was a requirement for the ground-launched cruise missile?

General PARTLOW. [Deleted.]

Chairman NUNN. I just think this is going to be such a major issue. I have about three or four questions relating to the negotiating record, but I want everybody else to have a chance on this area first.

Senator Cohen.

Senator COHEN. I just wanted to make an observation about some of the responses, Mr. Chairman. First of all, I find it not absurd but close to being absurd that we find ourselves in the position of going back and examining the negotiating record. I think this has been brought about by the State Department's interpretation, or reinterpretation of another treaty. You have opened a Pandora's box, in my judgment.

Every treaty from this point on that has to be searched through the negotiating record I think will cause any future administration a host of problems that they have not yet foreseen.

I have a good deal of trouble with why we are here. I would hate to have, for example, the House and Senate Armed Services Committee conference put on record when the negotiating takes place. I am not equating the House of Representatives with the Soviet Union, but I am reminded that the pencil I have here says House of Representatives on it. I am not sure why we have one over here in the Senate.

Senator LEVIN. It is a listening device. [Laughter.]

Senator COHEN. If we had to explain, Mr. Chairman, how we arrived at all the tradeoffs we accomplish with the House of Representatives, I think both the House and Senate would throw us both out of our respective institutions. But here we are, in the position of now going back through and looking line by line, statement by statement, second guessing, overseeing, casting our judgments, and I think it is a very bad precedent that has been set. And I hope that somehow we can find a way out of the particular dilemma.

Chairman NUNN. May I say, Senator Cohen, that I agree with you. When we have to play by the game rules this administration has laid down for considering a treaty agreed to by this administration, it is a patent absurdity that we cannot believe the testimony of the professionals representing our U.S. Government, and that we have to go behind it and look at every single word contained in 31 volumes, for the meaning of the treaty.

It is physically and mentally impossible for anybody to go through all that. We have to find a way out of this if we are going to have a constitutional system that functions between the executive and legislative branches on treaties and foreign policy matters.

Senator COHEN. The second point I would like to make, Ambassador Glitman, I was here the day that Senator Quayle raised the question on the hypersonic boost glide vehicle. As I recall, at that point you said you had never heard of it before, and I am told since that time that it was really an issue where you did not want to discuss it in open session. Which was it?

Ambassador GLITMAN. Senator Quayle asked me whether during the course of the negotiations I was aware of such a vehicle, and I told him I was not. That is the truth. I did not know of that vehicle. I did not read of it until recently when I read the AEI report in which it was mentioned. That was the first time that I had been made aware of that particular project, or whatever it is—project, idea, concept.

Senator COHEN. Well, the second question I have is, we submitted a question for the record and the question was, does the definition of a ballistic missile as a missile that has a ballistic trajectory over most of its flight path apply to hypersonic boost glide vehicles. That is our question.

The answer is totally nonresponsive. It says: The treaty establishes four criteria for inclusion of a system—range, weapons delivery, ground-launched, and ballistic or cruise. If a system meets these criteria, with the one specific exception spelled out in the treaty, article VII, paragraph 3, it would be covered by the treaty.

I ask the question again. Does it apply to the hypersonic boost glide vehicle? Yes or no.

Ambassador GLITMAN. I cannot answer the question, Senator, because I do not know what that hypersonic boost glide vehicle will do. Is it ballistic? Is it cruise? Is it something different?

Senator COHEN. Does anybody know?

Ambassador GLITMAN. Senator Quayle may know. He has a model of it.

Senator QUAYLE. Do you know what my opinion is? No. It is neither ballistic nor cruise.

Chairman NUNN. Are you authoritative, Senator Quayle?

Senator QUAYLE. I wish. [Laughter.]

Senator COHEN. General, do you have some comment on that?

General PARTLOW. The only comment I would have is to support Ambassador Glitman and all of us in that we wrote a definition. If someone is going to apply that definition to something, I have to be able to see that something. That is to say I have to have seen the trajectory that this thing flies over, because that is where the compliance issue is going to come from. I then have to determine for myself or have scientific assistance to determine what it is and whether in fact the treaty applies to it.

We are talking about a hypothetical system, one which does not exist, and for which there are a number of different approaches to how it would work, and I do not believe we can yet apply that definition to such a system.

Senator COHEN. So the answer is no?

General PARTLOW. The answer is, I do not know.

Senator COHEN. Let me come back to a point that was made by Senator Nunn. Ambassador Glitman, you said before the committee that the negotiating record was determinative to establishing the meaning of the treaty where there are ambiguities or lack of clarity in the text itself. Is it your position that the negotiating record of this treaty is integral to the agreement?

Senator LEVIN. Could you refer to where he said that? Is that the answer to a question? What page was that on?

Senator COHEN. Number one, do you agree or disagree with the statement? Let us put it that way. Would you agree with the statement I just read?

Ambassador GLITMAN. Was this one of the answers to questions that you sent to the executive branch?

Senator LEVIN. Is that in his answers? What page of his answers?

Senator COHEN. I do not have a page.

Senator LEVIN. You are going to reopen Pandora's box if you answer the question that way.

Ambassador GLITMAN. I find difficulty in trying to remember where I would have used such an answer. Do you have it in writing?

Chairman NUNN. To my memory, I think it was in the context of going back and talking about one of the systems allowed, and you were saying not to open it back up because we believe this issue has been resolved in our favor. If you open it back up—I think you threw it out in that context, you thought the negotiating record would support. I do not remember what the particular——

Ambassador GLITMAN. It was article XIV, Senator. The comment I was making—I want to be very clear—what was important there. I think I did go on to say that in the case of this specific issue in article XIV it is not who said what to whom that was important. We actually had Soviet text, so we could look at the Soviet draft treaty text for that article and compare that draft with where we ended up.

Now that is far different from what we were saying in the course of negotiating and, yes, to some extent bargaining on how we got to the end. But in the particular instance of article XIV we actually had handed over to us Soviet text which we could then compare with the text that we got at the end for article XIV, and that was the point I was making.

Senator COHEN. Well, the question, as posed by Senator Wilson, says: Does the negotiating record make explicit reference, as you have here this morning in your response to me, in a comparative way to those other treaty provisions, those of SALT II, and you said it does, and indeed it even goes further than that, because the Soviets attempted to go further than that in their presentations.

The language that they provided for this article initially not only incorporated the SALT II language which I have read to you, but it went on to speak of neither specifying this would include a prohibition on transfer of intermediate-range missiles, launcher, components of such missiles but technical documentation relating to the missiles or launchers.

Ambassador GLITMAN. That is correct, Senator. [Deleted.]

Senator COHEN. If I pose the question to you just basically does the negotiating record constitute an integral part of the treaty itself where there is ambiguity or lack of clarity, what is the response?

Ambassador GLITMAN. I will have to ask counsel on that, Senator. It is not an integral part of the treaty, Senator. It is something you can look to to help clarify if there are any ambiguities.

Senator COHEN. Well, the next question we have is, if it is not an integral part of the agreement and determinative of the meaning of the provision itself, then I am told by our staff that the Soviets have been misled because we have an obligation to inform them in a statement they requested and providing them with authorization is not recognized by the Government.

Have we made representations to the Soviet Union that the understandings reached in the negotiating record are in fact binding as part of the treaty itself?

Ambassador GLITMAN. No, Senator. Those volumes that you see there—and this is an important point because we are starting to get into it—they are not the transcripts of a hearing. We did not have somebody taking it down verbatim, and we know that even in such a case gestures are missed, aspects of a discussion are missed if you just look at any transcript. Those INF MEMCONs and reporting cables are not transcripts.

They do not have that status. Second, unlike a hearing, where we are trying to clarify these sort of problems, when we are negotiating, just as you pointed out was the case between the House and the Senate, there are a lot of things that we say because we are trying to get an outcome that we want, and we may ask for more in order to get what we want to end up with.

The Soviets have their own records. The transcript of these hearings is common between the executive and the legislative branch of the U.S. Government. Those MEMCONs are not common between the United States and the Soviet Union, with one exception, and that is written documents which were exchanged across the table. Those are held in common.

Senator COHEN. Let me just read paragraph 81 here. [Deleted.]

In other words, the paragraphs seem to indicate that these representations that are made to the Soviets are in fact an integral part of the treaty.

Ambassador GLITMAN. This is a particular issue, Senator, and I will identify it. You are reading from the record indeed. I understand now where you are, so I can deal with it.

[Deleted.]

So that is why that was said. The INF Treaty would include agreed language that would explicitly prohibit the production of the SS–20 after the entry into force of the treaty. The Soviet Union would be permitted to produce the first stage of the SS–25 that was "outwardly similar to but not interchangeable with"—and that, I should add, ought to be in quotes every time you see it because it became a cant phrase with us in Geneva—with the first stage of the SS–20.

The treaty would also contain explicit language with regard to Soviet nonproduction of any other SS–25 stage that was "outwardly similar to but not interchangeable with" any other SS–20 stage.

The Soviet side would also be expected to produce accurate data related to paragraph 6 of article XI and section 9 of the Protocol on Inspection showing that the dimensions of the second stage of the SS–25 were different from the dimensions of the second stage of the SS–20.

Why did we want that? Because we were very concerned that if those dimensions were not different, then in fact you would have the SS–20. Outwardly similar, both stages, and interchangeable, but mainly outwardly similar. We could not tell the difference between that outcome and the SS–20, so we had to make certain that that second stage was different, having acknowledged that they had a first stage that was outwardly similar.

Then we said, should this be done—in other words, should in fact this be the case or should the results of the inspections verify this, the U.S. side would have no objection to the continuation of production of the second stage of the SS–25.

So first what we were doing here was putting them on notice that we still have a compliance problem with them on this missile, [deleted].

Second we were saying to them that we are going to verify. If the data that you gave us is true, as far as this treaty is concerned, you can go ahead and build that missile. If it is not true, you cannot build it.

[Deleted.]

Senator **Cohen**. The point I am trying to find out is whether a statement that you read into the record, be it in rough draft form or finished draft form, is part, an integral part of the agreement. Yes or no. If it is not, then that answers the question. If it is, then we will have to know more.

Ambassador **Glitman**. All I was giving was a statement which corresponded with the obligations of the treaty—nothing more, nothing less. [Deleted] from our standpoint we believe that what we have here, in fact, is simply a statement of what is required of them, and if they meet the requirements of the treaty they can produce the SS-25.

Senator **Cohen**. What I want is, is it your understanding that what you read to him—and is that their understanding as well—is that part of the record itself so if there is a dispute when they take it up in their armed services committee, as they are doing now, according to folks we just talked to, to see whether or not they want some reservations and understandings, is their reservation and understanding the same as ours on this particular point?

Chairman **Nunn**. May I submit something? You are asking whether it is an integral part of the treaty. May I submit something here and see if the Ambassador agrees with it?

In terms of international law—and Mr. Ambassador, you see if this is your understanding of it—article 31 of the Vienna Convention of the law of treaties, which is regarded by the United States as reflective of customary international law, provides that "a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in light of its objects and purposes."

As a secondary means of interpretation, article 31 recognizes subsequent agreements between the parties, subsequent practices of the parties, and relevant rules of international law.

Article 32 of the Vienna Convention provides that resort to the negotiating history is appropriate only to confirm the meaning of a treaty as determined under article 31 or if resort to the treaty leaves the meaning ambiguous or obscure or otherwise leads to an absurd result.

Lord McNair, one of the leading authorities on international law, has said with respect to negotiating records, "the preparatory work of a treaty is a useful make way, but in our submission it would be unfortunate if preparatory work ever became a main basis of interpretation. In particular, it should only be admitted when it affords evidence of a common intention of both or all parties."

Now that is my understanding, after rather exhaustive research on treaty history, of what to do with the negotiating record. Maybe the Ambassador would like to comment one way or the other.

Ambassador **Glitman**. Well, I would say, Senator, that personally I have no problem with what you have just read out, but I would add that the text of the treaty is what we are bound by. What we have in that set of volumes essentially is a record of how and why we got there.

Senator LEVIN. Do you agree to the term "negotiating history" instead of "negotiating record" of those volumes?

Ambassador GLITMAN. I would say from the standpoint of what is in there that the term "negotiating history" in many respects is more accurate.

Senator LEVIN. I think it would be useful if we started using that word, because that is what the chairman read from international law. I think it is a lot more accurate. "Record" implies that there is some kind of transcript, and that is just a mass of documents which we believe at this point represents the history, and indeed there may be some history which is not in there, I presume, that we will discover later.

Is that not true? That is the best we can do at this point.

Ambassador GLITMAN. That is correct. It certainly represents our effort to put everything in that we had.

Senator LEVIN. Could I ask a question?

Chairman NUNN. In other words—well——

Senator COHEN. The problem I have is in the treaty itself. You do not want to mention SS–25s specifically, yet in the section-by-section analysis you sent up here you specify specifically. Let me read it to you.

The effect of paragraph 2 is to make it clear the treaty does not prohibit the Soviets from continuing to produce the SS–25 ICBM. So on the one hand you say we did not want to mention it in the treaty, and on the other you send up a section-by-section analysis that says that is specifically what we want to do. I just want to know what is the legal interpretation at least of the declarations made in the negotiating record on this particular point.

It is part, as far as you understand, of the agreement, or is it something that the Soviets can still dispute at some future time, saying we have a different understanding than what Ambassador Glitman represented to us at the time?

I am unclear on that. I do not understand it.

Ambassador GLITMAN. Let me try to help, Senator.

The Soviets, I repeat, do not have this in writing. I did not turn anything over to them. I did not want to.

Senator COHEN. But it is in writing to us.

Ambassador GLITMAN. This is not in writing to you.

Senator COHEN. I am talking about the section-by-section analysis.

Ambassador GLITMAN. [Deleted.]

Senator COHEN. Now we have it in writing.

Ambassador GLITMAN. Now you have it in writing. Sure. Why? Because we wanted to try to make it clear to the readers what lay behind that very difficult language in article VI, paragraph 2. It was not easy to keep the draft [deleted] and why it was there.

Senator COHEN. I am going to finish here because Senator Levin has been trying to get in here. Paragraph 94 says: [Deleted.]

I yield back to Senator Levin.

Chairman NUNN. Let me ask the committee's inclination now. We have spent an awful lot of time on just the ground-launched cruise missiles, and I have several questions on the negotiating record on that area. We also have a lot of questions on the negotiating record. Do you want to go to the negotiating record right now or, do you want to finish the ground-launched cruise missiles? What area are you interested in getting into?

Senator LEVIN. I would just like one shot—one turn on ground-launched cruise missiles. One launch.

Senator QUAYLE. I just have one question on this article VI. We have got two issues up now. We have this article VI thing now, and you have got the ground-launched cruise missile.

Senator LEVIN. Can I have a turn on that one?

Chairman NUNN. You have one?

Senator QUAYLE. I am finished on my questions on the ground-launched cruise missile. It is on this issue I have just one question.

Chairman NUNN. Let us see if we can finish this issue, Senator Levin, and then you are next.

Senator QUAYLE. As far as this issue on article VI, since it was written in a generic, as you have said, vague way not to make reference to the SS-25, that it was vague to the Soviet Union, and in reading the language we get into this double negative thing, which is another issue, but it is complicated draftsmanship, to say the least, on article VI, that the Soviets asked for and received for you to read a statement into the negotiating record that clarified what this article VI meant. Is that correct?

Ambassador GLITMAN. What they wanted from us was not a clarification so much on article VI as a statement that they could go ahead and produce the SS-25 no matter what, and they did not get that in that statement.

Senator QUAYLE. And they did not get that in the treaty.

Ambassador GLITMAN. They did not get it in the treaty, [deleted].

Senator QUAYLE. I guess my question is do the Soviets think that this part of the negotiating record is an integral part of the treaty?

Ambassador GLITMAN. No.

Senator QUAYLE. Did we tell them that? That is my confusion. It is something I will pursue later on, because I said I only had one question.

Chairman NUNN. I think it would be a dreadful mistake to make part of the negotiating record part of the treaty.

Senator QUAYLE. I think so. That is my understanding of reading this, that that is what we told them. We said, OK, we will read this statement into the negotiating record to satisfy you. And so this part of it, at least, the Soviets are relying—if there is any question that comes up, they are relying on the negotiating record to clarify article VI.

Chairman NUNN. If I could take a crack at it, I think international law would permit both sides to go back to the negotiating record as an indication of what the clear intent of the parties was in arriving at the explicit terms of the treaty, but that is a different thing altogether than saying it is a part of the treaty.

Ambassador GLITMAN. I agree entirely, Senator.

Senator LEVIN. Could I take a crack at that issue, because I think when you say "integral part of the treaty" what you really mean is if this issue ever came up, we are bound by this statement. You are making a statement there that you intend to bind you in case the history ever became relevant. Is that not the point?

Ambassador GLITMAN. Yes, and let me say to bind them, too, [deleted].

Senator LEVIN. Of course, but I was saying all you are saying at the time is if this ever became relevant, if there was ever any ambiguity under international law if you ever went beyond the treaty language I am now making a statement which I am willing to be bound by. Is that not what you were doing, in effect?

Ambassador GLITMAN. I think that is correct. And, just to complete the point, what I was telling them was that if we find out that that second stage is not as advertised, then you are in real trouble with the SS-25, and he was telling us if you find out that it is as advertised then you do not have any grounds within the INF Treaty for blocking the SS-25.

Senator LEVIN. I think you are getting into the substance more and we are talking about the process more, whether or not these representations are integral parts of a treaty, and I think we had better clear that up quick.

Ambassador GLITMAN. They are not integral parts of the treaty. I agree entirely, Senator.

Senator LEVIN. Regardless of what the sentence says, that is not an integral part of the treaty. An integral part of the treaty is the treaty and that is it.

Ambassador GLITMAN. That is it, absolutely.

Senator QUAYLE. Let me just read something from the negotiating record from Obukov. [Deleted.]

Senator LEVIN. That is what he said.

Ambassador GLITMAN. That is fine. He said it.

Senator QUAYLE. [Deleted.]

Senator LEVIN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Senator QUAYLE. [Deleted.]

Senator WARNER. I think it would be very helpful if we got the Ambassador on the record. We have got a heck of a cross fire here, and he is trying to interject. I do not know if the reporter got it. I did not get it. It is so important, Mr. Chairman, could these gentlemen once again frame the issue and allow the Ambassador slowly and uninterrupted to——

Chairman NUNN. Senator Warner is asking for regular order here.

Senator WARNER. It is an important point. I just could not hear the Ambassador. Maybe the reporter got it. I do not know.

Chairman NUNN. That is a good point. Would someone restate whatever the question was?

Senator WARNER. If the Senator from Indiana would restate it and let the Ambassador have a crack at it.

Ambassador GLITMAN. Could you give me a cite?

Senator QUAYLE. NR 7949?

Senator WARNER. Could we supply the Ambassador with a copy of our papers?

Senator QUAYLE. I have got what looks like 7949. It is either 7949 or 7940. You have got it?

Ambassador GLITMAN. Yes.

Senator WARNER. Now if the Senator from Indiana would read that portion to the Ambassador.

Senator QUAYLE. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Senator **Quayle**. [Deleted.]

Senator **Levin**. [Deleted.]

Senator **Quayle**. [Deleted.]

Senator **Levin**. [Deleted.]

Senator **Quayle**. [Deleted.]

Senator **Levin**. [Deleted.]

Chairman **Nunn**. Let us have regular order here. Senator Quayle, I think Senator Levin would like for you to yield.

Senator **Quayle**. [Deleted.]

I mean, you know, this is what is here. I am going back and saying the question is do the Soviets perceive that this transaction is, as he said, an integral part of the agreement. That is the question.

Chairman **Nunn**. What is the title of what you are reading from—a MEMCON?

Senator **Quayle**. Yes. MEMCON NR 79——

Chairman **Nunn**. Mr. Ambassador, has this MEMCON been provided to the Soviet Union?

Ambassador **Glitman**. No, Senator.

Chairman **Nunn**. Then it is in the nature of a unilateral declaration. By the definition that has been given to us as to the State Department's view of what the negotiating record is, it is not part of the negotiating record that has been submitted to the Senate.

Senator **Levin**. Not part of the treaty.

Chairman **Nunn**. Not part of the negotiating record.

Senator **Quayle**. Not part of the negotiating record?

Chairman **Nunn**. This letter of February 5 says we cannot provide internal executive branch deliberative material that was not provided to the Soviets because such material does not reflect mutual intent of the parties and, therefore, cannot be used as a basis of interpretation of obligations. That is the definition the State Department now has of the negotiating record.

Ambassador **Glitman**. Senator, this was read to them. I took the word "provided" to mean——

Chairman **Nunn**. So it has been provided to them.

Ambassador **Glitman**. It has been read to them.

Chairman **Nunn**. I think that would fit the interpretation of "provided" if it has been read to them. So it is part of the negotiating record.

Ambassador **Glitman**. It is part of the history of the negotiations. [Deleted.]

Chairman **Nunn**. Can it be used for interpretation of obligations under the treaty, in your opinion?

Ambassador **Glitman**. I think it could, if they had difficulty.

Ambassador **Woodworth**. I think, Senator, you might try to understand it explains how the generic provisions of that article and paragraph apply to a particular system, and the context the Soviets were seeking confirmation is directly with respect to the 25, and Mike's statement explains that it is with respect to the 25 under the circumstances he went on to describe.

Chairman **Nunn**. Well, you clarified my question. If it was given to them orally, then I guess we would both agree that it then is something that has been provided to them.

Ambassador **Glitman**. [Deleted.]

It is the treaty that counts and protects us and provides the basis.

Chairman NUNN. I suggest we move to Senator Levin now. He has been very patient.

Senator LEVIN. I pass. [Laughter.]

Chairman NUNN. Senator Wilson is recognized.

Senator Levin, you have a few questions.

Senator LEVIN. If there was a written statement that was handed to the Soviets, not informal, not oral, not draft, a written statement was handed to them, is that statement an integral part of the treaty?

Ambassador GLITMAN. No.

Senator LEVIN. Okay. Are MEMCONs that are exchanged integral parts of the treaty?

Ambassador GLITMAN. MEMCONs are not exchanged, but statements are exchanged.

Senator LEVIN. If you hand them a statement?

Ambassador GLITMAN. No, Senator, statements are not an integral part of the treaty. The treaty is the integral part of the treaty, and that is all. In fact, the treaty says what is integral to it.

Senator LEVIN. Because it seems to me we have got different issues floating around here. One is a process issue and one is what does that language mean which you read to them, and I think we ought to focus at least partly on the process issue. Regardless of what they thought or even what you said, even if you handed them a written representation of your position and said you can quote this in any court or publicly or on Moscow television, that statement that you handed to them would not be an integral part of the treaty; is that correct?

Ambassador GLITMAN. That is correct, Senator.

Senator LEVIN. Okay. Now back to the ground-launched cruise missile issue, now that we have totally clarified that issue. [Laughter.]

Senator LEVIN. Senator Quayle has described this as conceding a Soviet position, and my question is this. You said that we always wanted to keep that option open, the ground-launched cruise missile issue. Do you view this as a concession to the Soviet position on ground-launched cruise missiles?

Ambassador GLITMAN. I do not. While we wished to keep that option open, and we did keep it open for a period of time, when we conducted an analysis, if you will, a cost-benefit analysis to the United States of the value of such a missile to us versus the value of such a missile to the Soviet Union, adding to it the problems of verification, we concluded that it was not in our interest to go forward with such a system.

Senator LEVIN. Now during negotiations do you sometimes let the other side believe that you are making a concession to them which in fact you have no trouble conceding at all privately but want to get a chit for your own side?

Ambassador GLITMAN. From time to time we might do that.

Senator LEVIN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Senator LEVIN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Senator LEVIN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Senator LEVIN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Senator LEVIN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Senator LEVIN. On the SLCM issue which has been raised—Colonel, I am sorry. I was not here when you were identified. Is it Colonel Wheeler?

Colonel WHEELER. Colonel Mike Wheeler.

Senator LEVIN. Colonel Wheeler, you indicated that we may be able to verify SLCM differences between nuclear and conventional, that we are still working on that possibility. Did I hear you right?

Colonel WHEELER. What I indicated, Senator, is [deleted].

Senator LEVIN. Is it still a possibility?

Colonel WHEELER. [Deleted.]

Senator LEVIN. Have we yet foreclosed the possibility that we could differentiate between nuclear and conventional SLCMs?

Colonel WHEELER. The issue is not differentiating between one or the other, Senator. Clearly if you can take a nuclear radiation detector out——

Senator LEVIN. I mean verify.

Colonel WHEELER. [Deleted.]

Senator LEVIN. When I say differentiate, of course I meant relative to verification. So we have not foreclosed the possibility that we could reasonably verify the difference between a conventional and nuclear SLCM.

Colonel WHEELER. [Deleted.]

Senator LEVIN. What is the timetable on the process?

Colonel WHEELER. [Deleted.]

Senator LEVIN. Would you supply that for the record or could we find out? We are working on an issue that is pretty critical in START.

Colonel WHEELER. [Deleted.]

Senator LEVIN. Would you give us an assessment for the record as to the timetable on that? Is it likely that there will be a completion of that assessment in the next month, 2 months, 6 months, year, whatever?

[The information referred to follows:]

The United States has considered and is continuing to consider various approaches for dealing with nuclear-armed, sea-launched cruise missiles in the context of the START negotiations. However, although we are working intensely to complete our preparations, we have not established any deadlines, either for achieving a START Treaty or for finalizing any particular aspects of such a treaty. [Deleted.] It would be premature to speculate on how or when this issue will be resolved.

Senator LEVIN. Colonel, you also mentioned that you could not give us a net assessment on the advantage of the conventional ground-launched cruise missile to them versus the advantage to us, that that was somebody else who would give that net assessment I believe you said.

Colonel WHEELER. I believe you misunderstood me. What I was saying, Senator, was that in the process of the Joint Chiefs of Staff deliberations on the question of whether or not to support a ban for conventional as well as nuclear-armed ground-launched cruise missiles, in fact what they looked at over the course of several years amounted finally to a net assessment. I was using the phrase "net assessment" not in the technical sense but in the wider sense of there are many factors considered other than simply counting numbers—talking verification, talking cost, talking targeting.

We attempted to bring every factor that we could to bear in advising the Joint Chiefs on the issue. That was the sense I used "net assessment."

Senator LEVIN. You said that somebody else or some other office had made that assessment.

Colonel WHEELER. What I said was that we brought to the Joint Chiefs of Staff a number of different studies, [deleted].

Senator LEVIN. And who prepared those studies?

Colonel WHEELER. [Deleted.]

Senator LEVIN. [Deleted.]

Colonel WHEELER. [Deleted.]

Senator LEVIN. [Deleted.]

Colonel WHEELER. [Deleted.]

Senator LEVIN. [Deleted.]

Colonel WHEELER. [Deleted.]

Senator LEVIN. Finally, you talked about a requirement, that there was no hard requirement. Do you use the words "hard requirement" to be anything different than the word "requirement"?

Colonel WHEELER. Senator, what I have found in attempting to deal with discussions on requirements is that it tends to be a very ambiguous phrase. I believe there is an attempt afoot at the moment to clarify it in the aftermath of the Goldwater-Nichols bill, and what has happened in terms of forming the Joint Requirements Oversight Council, how that council is going to operate.

But in my experience, where we have dealt with arms control questions—is that in asking whether there is a requirement for a particular system, "requirement" is an ambiguous phrase. So where I use the phrase "hard requirement" I mean not simply that there was a statement of advantages and disadvantages associated with something. I meant that a commander in the field or military service has come in through the formal processes that are available and said we have a requirement for this particular system.

Senator LEVIN. Okay. Now in the case of the Pershings and the ground-launched cruise missiles that we have in Europe, was there a requirement for those?

Colonel WHEELER. I will have to take that for the record.

Senator LEVIN. Well, is there any doubt that there was a requirement? I am talking about the ones we deployed.

Colonel WHEELER. It depends once again on what one means by requirement, Senator.

General PARTLOW. We can answer that question yes. One document that states it is the Integrated Decision Document that NATO used to actually deploy the systems.

Senator LEVIN. There was a formally-stated, real, hard requirement for the Pershings and the GLCMs; is that correct?

General PARTLOW. Yes, sir.

Senator LEVIN. And we gave those up anyway, did we not?

General PARTLOW. If the Senate advices and consents to the treaty, yes.

Senator LEVIN. You are recommending we give those up; is that correct?

General Partlow. Yes, sir.

Senator LEVIN. Now if there had been a requirement for the conventional GLCM, would you still be recommending that we give that up?

Colonel WHEELER. I would answer that question, Senator, in terms of saying that there is nothing that has appeared since the JCS deliberations in the fall of 1987 which changes the logic or perspective on the facts that they were looking at at that time.

Senator LEVIN. Does that mean that whether there was a "hard requirement" or not, you would still be recommending we give that up as part of this treaty?

Colonel WHEELER. If the question is would the Joint Chiefs of Staff be recommending still that we give it up, I cannot answer authoritatively on that. I would have to take the question to them. In terms of my talking about the perspective of what they were looking at in arriving at their decision, the possibility that there might have been a hard requirement as opposed to a more generalized statement of advantages and disadvantages, I do not believe changes, as I said, the perspective, the facts or the circumstances in which they took their decision.

Senator LEVIN. Would you get us that answer for the record?

Colonel WHEELER. Yes.

[The information referred to follows:]

Any answer to this question would be highly speculative. [Deleted.]

Senator LEVIN. Thank you, Mr. Chairman.

General PARTLOW. I would just like to amplify and say that just because a CINC develops a hard requirement for something and puts it into the system, I think, as everyone here knows, that does not necessarily mean that that requirement is ultimately agreed or funded or, for that matter, fielded. There are a lot of requirements which are requested which do not work through that process.

Senator LEVIN. Nor, may I add, nor does it mean that we do not give it up as part of a treaty which is otherwise to our advantage.

General PARTLOW. I would say that is the implication of what I was saying, Senator.

Chairman NUNN. Mr. Ambassador, Colonel Wheeler and General Partlow, we are going to need as soon as possible—I would say early next week, an unclassified point paper showing what you said today in terms of the ground-launched system and the Chiefs' positions on it and why. I would think that most of what you have said is not classified, but we have no way of going public with this and sorting it out unless we get it from you.

This is going to be one of the main questions, Senator Warner and I will be asked before the Foreign Relations Committee, or could be, and it is certainly going to be one of the big points that we have to be prepared for on the floor and when we testify before the Foreign Relations Committee on Tuesday afternoon.

I am looking for 2 or 3 pages, or whatever you think, would capsule what you have testified to today that can be used in open session.

Senator Levin. Mr. Chairman, in that vein could we also ask the other witnesses—Ambassador Glitman included—to take a look at the transcript of today and to declassify any portions of it that can be declassified?

Chairman Nunn. We will. I do not know when the transcript will be available. We will send it to them to declassify as soon as it is available.

Senator Quayle. Mr. Chairman, along those lines I think they are going to come back with the Defense Science Board recommendation.

I now have in my hands a memorandum from the Under Secretary of Defense. I will just quote briefly and put it in the record. It says: [Deleted.]

Senator Warner. What is the date of the letter?

Senator Quayle. It is a secret memorandum and it is for the Chairman of the Joint Chiefs of Staff, and the date of transfer we got——

Senator Warner. It says we hope it will not be bargained away. We are looking at a fait accompli now. I am just trying to figure out what the date is and its relationship to their hopes.

Senator Quayle. There is not a date. The date of transfer, on reading this, is September 4.

Senator Warner. So in other words this document presumably was in the system and available to the decisionmakers prior to the finalization of the treaty.

Senator Quayle. Well, the question came up. The Colonel said that he did not recall the Defense Science Board recommending to the Joint Chiefs of Staff against bargaining away the conventional cruise missile. I have a memorandum that shows to the contrary.

Senator Levin. Is that from the Board?

Senator Quayle. No. This is from the Under Secretary of Defense for Acquisition. It says: Recently the Defense Science Board undertook. This is referring to the Defense Science Board.

Senator Levin. Who is it to again?

Senator Quayle. The Chairman of the Joint Chiefs of Staff.

Chairman Nunn. Who is the Under Secretary of Defense?

Senator Quayle. It is Godwin. I will just make it part of the record.

[The information follows:]

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, September, 1987.

Memorandum for Chairman, Joint Chiefs of Staff
Subject: Non-Nuclear Strategic Capability (U)

Recently the Defense Science Board undertook an exhaustive study of the policy and technological implications of developing a nonnuclear capability to attack targets important to accomplishing U.S. strategic objectives. The task force developed some insights into the matter that should be shared with you in view of the ongoing arms control activities. These insights are summarized below.

Technologies are rapidly becoming available to support systems and targeting for extremely accurate long-range, nonnuclear theater and strategic capabilities.

Among the technologies that have recently matured to provide such a capability are guidance and sensor technologies for near-zero CEPs. Low-cost inertial systems, when combined with GPS or enroute sensor update can produce approximately 30 meter CEPs. Imaging sensor technologies including imaging IR and laser radar, promise CEPs approaching one meter. Stealth technology for platforms and missiles provide significant capability for penetrating enemy defenses. Multispectral intelligence provides targeting data at wavelengths optimized for automatic target recognition sensors.

The availability of near-zero CEP allows effective coupling of various warhead lethal mechanisms to the vulnerable elements of the target. A variety of munitions are currently available which provide a useful immediate capability. Further, munition and warhead concepts in various stages of development that could be available by the mid 1990s (for example, 1,000-lb class penetrators, railway mines, and reactive fragments) can significantly improve the current capability.

Existing and new platforms such as the B–52, B–1, and ATB, along with existing and in-development missiles such as the Tomahawk sea-launched cruise missile, GLCM, and Army Tactical Missile System, can provide a significant capability by the early 1990s. Upgrades to engines and guidance/sensor systems can extend the performance of these systems. Modifications to the Air-Launched Cruise Missile and Advanced Cruise Missile could provide additional system options. The potential costs of the new systems and technologies needed to provide a useful nonnuclear theater and strategic capability appear reasonable.

Systems with capabilities such as those described above would contribute significantly to U.S. theater and strategic objectives in several important ways. They would: [Deleted.]

Some cautions and potential adverse consequences must be taken into consideration in proceeding with and planning use of nonnuclear strategic forces. Token uses could serve to inflame adversaries and aggregate conflicts more than they manage them. We need more information on Soviet capabilities and potential to respond to U.S. use. Further, the effectiveness of these systems is more sensitive to countermeasures than are nuclear weapons. Finally, U.S. allies could have a negative reaction from major deployments if they were perceived to undermine the "nuclear umbrella," and Soviet response to U.S. development and deployment is unclear.

[Deleted.]

In sum, accurate, long-range, nonnuclear theater and strategic capabilities can contribute significantly to accomplishing major U.S. objectives world-wide, and land-based theater cruise missile systems are an important part of that capability. Hopefully, the opportunity to field such systems will not be bargained away in arms control negotiations.

Chairman NUNN. I think we need to clarify who said that they hoped it would not be bargained away. Whose words are those? Are those the Defense Science Board or are they Ikle?

Senator QUAYLE. It is my understanding that this came from the Under Secretary for Acquisition after a briefing that they received from the Defense Science Board. The Defense Science Board said to them, and they in turn wrote a memo to the Chairman of the Joint Chiefs of Staff saying you should look at what the Defense Science Board said, saying it is good stuff and do not bargain it away.

Colonel WHEELER. Senator, what you are dealing with appears to be a memorandum from the Under Secretary of Defense. There also was a memorandum from the Deputy Secretary of Defense to the Joint Chiefs saying he would like them to look at the Defense Science Board study.

Senator WARNER. I am missing a few words.

Colonel WHEELER. As I understand it, you are quoting from a memorandum from the Under Secretary of Defense.

Senator WARNER. To the JCS Chairman.

Colonel WHEELER. And there was another memorandum that asked the Joint Chiefs of Staff to look at the Defense Science Board briefing. Your question to me, Senator, was did the Defense Science Board recommend to the Joint Chiefs of Staff that the conventionally-armed ground-launched cruise missile not be eliminated in the treaty. And my recollection, was [deleted].

Senator QUAYLE. Maybe the question was not even asked of them directly, whether it should be bargained away or not. Maybe the

Joint Chiefs just took the briefing and did not even get into that issue specifically. That could be—they never directly asked the Defense Science Board. Because that was one of the things, at least, that was going on. So you better look at what the Defense Science Board was looking at in these applications.

Colonel **Wheeler**. The Chiefs were asked to look at that briefing in the context of the decision they would make on the conventional ground-launched cruise missile. Nobody is denying that. When I explained the process in the beginning I put it in that context. When they came to their decision, they had the Defense Science Board briefing in hand and they had all of the other items that I talked about.

Senator **Quayle**. Did the Joint Chiefs ask specifically of the Defense Science Board if they should bargain it away?

Colonel **Wheeler**. [Deleted.]

Senator **Levin**. Dan, would you yield for just one question? Does that last sentence say I, we or they?

Senator **Quayle**. In sum, it says, hopefully the opportunity to field such systems will not be bargained away in arms control negotiations.

Senator **Levin**. You have read the whole memo and we have not. Do you get the feeling that comes from Ikle or the Defense Science Board?

Senator **Quayle**. It is Godwin's recommendation to the Joint Chiefs after he got the briefing from the Defense Science Board. And he says, Joint Chiefs, before you bargain this away go listen to the Defense Science Board because I came away clearly saying that they are telling us that there is a lot of application there and do not bargain it away.

I imagine what probably happened—I doubt looking at this in total perspective, I doubt if they asked the Defense Science Board the precise question [deleted].

The flavor of it is I doubt, Colonel, whether that question was even asked directly to them.

Chairman **Nunn**. I think we have gone through that one. Senator Warner.

Senator **Warner**. Mr. Chairman, could I inquire of the Chair? The Chair is diligently providing an opportunity for this committee to hear from Ambassador Glitman on a series of questions that are of legitimate concern to the members and indeed the work of the committee. I estimate that we are through a percentage of it. I am not sure I can quantify what we are through.

So my first question of the Chair is what opportunities will the committee have to perhaps complete the work that the members feel has to be done with Ambassador Glitman?

Chairman **Nunn**. You and I need to be on the floor at 11:55 to speak on a pending amendment. I would intend to go to 11:55.

Senator **Warner**. The Ambassador had an appointment.

Chairman **Nunn**. Ambassador Woodworth has to leave at 11:45 and I have already told him he can do that. Ambassador Glitman and, I understand, the other witnesses can stay. They have been put on notice that we may go for a very lengthy session. I would intend to go straight through, since this is a closed session, with the witnesses being accorded, if they so desire, the right to order sandwiches—the same thing with the members—and go right straight through until about 5 today.

Senator WARNER. So there will be adequate opportunity to get our questions answered.

Chairman NUNN. We will see where we are at 5, but if we do not finish then I would come back in here at 8 o'clock on Monday morning and stay here Monday until we are finished, if it takes until midnight Monday night. We have to finish. That is the point. I do not want to cut anything off.

Senator WARNER. Mr. Chairman, you have made it eminently clear, and I appreciate that answer.

The second question is that you and I desire an opportunity to discuss with the members of this committee certain views that we are tentatively deciding to incorporate in our testimony at Foreign Relations Tuesday afternoon. I wonder if whether we could set a time at which members could be here.

Chairman NUNN. Senator Warner, I would suggest if we could use the next 15 minutes for that, give the witnesses a break here and have them come back in here around 12:10 or 12:15. By that time they could spend 30 minutes contemplating what they want to order for lunch and we will be glad to accommodate them on that.

Does that suit you, Mr. Ambassador? I do not want to impose on you. Do you want to take a lunch break?

Ambassador GLITMAN. We are at your disposal, Senator, and will do as you wish. I am happy to eat lunch at my desk. We are used to doing that. We have had a lot of working lunches, as staff will testify, with the Soviets.

Chairman NUNN. I would not do it if it was an open session. In this situation, we are pressed for getting through it. I suggest that we have our discussion now, unless you have a compelling question you want to get at and give the witnesses about a 30-minute break and come back here at about 12:15 because we have got a vote at 12:10.

We will be back at 12:20.

[Whereupon, at 11:37 a.m., the committee recessed, to reconvene upon the call of the Chair.]

[Whereupon, at 12:55 p.m., the committee reconvened.]

Senator LEVIN [presiding]. Let me start, Ambassador, with some questions that we have, and there will be others that will presumably be joining us.

I am going to jump around a little bit, so if it gets too disorganized you just slow it down. Section 5 of the Protocol of Elimination provides for the elimination of 15 missiles, 15 launch canisters, and 15 launchers by placing them on static display. My question is this: What is the purpose of this option for elimination? Which side requested the option and what are the advantages and disadvantages associated with that method of elimination?

Ambassador GLITMAN. Well, both sides have used this type of display for museums and things of that sort. If you go into the Smithsonian Air and Space Museum, you will see static displays. If you go to an Air Force base you will see airplanes out there in the form of static display. Therefore, I think there is a shared view that it would be useful to keep these around for museum pieces. It is as simple as that, and we requested it.

Senator LEVIN. That was at our request?

Ambassador GLITMAN. Yes.

Senator LEVIN. There is a MEMCON of September 9, 1987, entitled Reductions and Limitations Working Group Meeting Summary. Is that something you can get your hands on real easy? It looks like 6767.

VOICE. NR 6767.

Senator LEVIN. Anyway, part of that MEMCON reads as follows: The Soviet side challenged the United States position which would permit either side to produce and deploy a conventionally-armed GLCM of INF range if it demonstrated to the other side that it was not nuclear armed. At that meeting, General Partlow declared that [deleted].

Do you see that quote? In his February 25 testimony on the treaty, Ambassador Nitze informed the committee that the United States was unable to develop a verification regime for effectively distinguishing between nuclear and conventional GLCMs. And the question is, why then did we take the position in Geneva that it would be possible to demonstrate or might be possible to demonstrate to the other side conventional GLCMs were not nuclear?

Ambassador GLITMAN. Without getting into this specific one, Senator, this discussion took place before the treaty which prohibited conventional as well as nuclear armed missiles was tabled, so we were at that point arguing in the hopes that such a thing could be done, that it could be verified. But, as Ambassador Nitze pointed out and as I repeated this morning, in fact we had no such verification scheme available to us in Geneva. So we were negotiating as we were instructed. We kept this option open and hoped we would get something from Washington if we are going to stick with the option. Well, we closed the option, so that took care of the problem.

But the fact is we never had any verification regime sent to us, and none was agreed upon in Washington.

Senator LEVIN. So, therefore, the United States never tabled a detailed verification proposal to support any argument that that distinction could be made?

Ambassador GLITMAN. That is correct.

Senator LEVIN. Do you know whether there were some papers being worked on back in Washington on that subject that never reached a conclusion that the verification regime was possible, or that did reach a conclusion but which were overcome by other arguments?

Ambassador GLITMAN. I will ask Colonel Wheeler to respond after simply saying as far as we were aware in Geneva efforts were made. They were never concluded and there was never any agreement in Washington on whether they would work.

Senator LEVIN. Colonel, do you know if there were papers back here that concluded that it could be done?

Colonel WHEELER. Senator, my recollection is that the papers laid out the difficulties, the pros and cons, and the various alternatives that you would take as opposed to drawing a strong conclusion that it could or it could not be done. The conclusion would be judgmental.

Senator LEVIN. Was there ever a verification regime which was presented to the JCS which was rejected by them?

Colonel WHEELER. The elements of a verification regime that the Chiefs looked at for the possibility of having conventionally-armed ground-launched cruise missiles included a number of the things [deleted].

Senator LEVIN. So there never was a specific recommendation to adopt such a verification regime which was made to the Chiefs and which they rejected?

Colonel WHEELER. The Chiefs were asked to assess [deleted].

Senator LEVIN. Was there a formal rejection by the Chiefs of that possibility or practicality?

Colonel WHEELER. [Deleted.]

Senator LEVIN. Okay. Back to you, Ambassador. If the treaty were to be amended now to permit conventional GLCMs, how long would it take, do you believe, for the interagency process to thrash out an acceptable verification proposal?

Ambassador GLITMAN. That is difficult to answer, except to point to the fact that we had been attempting for some 6 to 7 years to do just that, and, as you have heard, we never did it.

Senator LEVIN. Would you be willing to guesstimate that it would be years perhaps?

Ambassador GLITMAN. That would be my sense, again based on the fact that it had taken us as long as it had to do this, to get to where we did, which was not conclusive.

Senator LEVIN. At the negotiating session that I mentioned before, that September 9 session, the Soviets apparently argued that the U.S. proposal to allow conventional GLCMs would represent an exception to the treaty which in the context of the agreed ban on production, new types and flight tests, would create loopholes for circumvention and compliance problems for which verification would be impossible.

Is it fair to say that the Soviet views expressed on this occasion were representative of a consistent Soviet position on this issue?

Ambassador GLITMAN. Yes.

Senator LEVIN. Did you ever detect any Soviet wavering or divisions within their delegation on allowing conventional GLCMs?

Ambassador GLITMAN. No.

Senator LEVIN. Would you term the amendment that has been proposed by Mr. Perle and Mr. Gaffney to allow conventional GLCMs a killer amendment?

Ambassador GLITMAN. Yes.

Senator LEVIN. On September 14, 1987, the United States reversed its position on this question or apparently changed its position on this question and agreed to ban conventional GLCMs; is that correct?

Ambassador GLITMAN. Yes.

Senator LEVIN. And did the United States get anything in return for that statement of its position which some have stated to be a concession?

Ambassador GLITMAN. I do not recall that we got anything specifically for that. Obviously this was one of the features of the double global zero treaty which we believed would make it more attractive to the Soviets, but, as I said earlier, I would not consider it a concession.

Senator LEVIN. I am going to have to interrupt and run and vote, so we will stand in recess.

[A brief recess was taken.]

Senator LEVIN. We have had an unusual series of votes here, with a couple of stubborn people, both of whom are members of this committee—[Laughter.]

Senator LEVIN. One of them will be smiling when he comes back; the other one will not be. You will be able to tell who won the vote. We had to vote four times on the same issue.

Ambassador Glitman, let me begin with you. The definition for GLCM range contained in article VII, paragraph 4, is virtually identical to that contained in the Second Agreed Statement, paragraph 8, of article II of the SALT II Treaty. Is that correct?

Ambassador GLITMAN. That is correct.

Senator LEVIN. Is it also correct that until the final weeks of the INF negotiation the United States was insisting on language that went beyond the SALT II formula?

Ambassador GLITMAN. That is correct.

Senator LEVIN. Now if I could draw your attention to a two-on-two meeting which you held with Ambassador Obukhov—is that how you pronounce his name?—on November 11, 1987, [deleted].

Ambassador GLITMAN. Well, it was not a question of time being more important, because I meant what I said. But I think in the end we concluded that cruise missile range is a difficult thing to deal with, that the formula that we got from the SALT II language was sufficiently effective to permit us to have the basis for a compliance complaint if we felt there was one.

Senator LEVIN. Okay. Now, one part of the November 11 U.S. proposal which was not included in the final INF Treaty reads as follows: [Deleted.]

Now that sentence is interesting because the article-by-article analysis prepared by the Carter administration which accompanied the SALT II Treaty includes the following observation: "During negotiations the United States advised the Soviet Union that an appropriate approach for calculating the maximum range which a cruise missile could cover in its standard design mode, flying until fuel exhaustion, in those cases where the cruise missile flying a standard profile has not exhausted its fuel is to assume that the remaining fuel will be used by continuing to fly at the same altitude and speed at which the cruise missile was flying in the last segment of its flight."

That is almost identical to the language dropped in INF.

The SALT II article-by-article analysis goes on to say: "The Soviets responded that the definition of cruise missile range had already been agreed and no additional verification was needed, and that any specific questions arising in the future could be dealt with on a case-by-case basis."

The way I read this, Ambassador, is we tried to get the additional language in SALT II and it failed, and we tried to get it in INF and it failed again. Is that correct?

Ambassador GLITMAN. That is correct. But I think it is important to note that when we finally dropped the range criteria it was part of a package and we got some things as well, and I am trying to remember exactly what the tradeoffs were. But the range criteria issue came up during the course of the Geneva Ministerial meeting, and it was part of three verification issues that we wanted to settle with the Soviets, and I think it involved the Votkinsk issue, the question of whether we could have on-site inspection of launcher production facilities, and then this one.

So we dropped it because we believed we could have verification without it, and we would still have a basis for a compliance complaint. But it was not dropped in isolation. It was done in the context of more things, of those other things. I believe I am right on that. I do not have the record in front of me.

Senator LEVIN. If you want to expand on that answer for the record, do so after checking the record. You may want to amplify your answer. [Deleted.]

The reason we were concerned was the question of GLCMs that had been tested but had not exhausted their fuel. I assume that this is fairly standard in testing practice; is that correct?

Ambassador GLITMAN. I believe that may be the case.

Senator LEVIN. Assuming that that is the case, do you not really need some explicit understanding on how the two sides will calculate the maximum distance the missile could have flown had it gone to fuel exhaustion?

Ambassador GLITMAN. Well, again it seems to me, Senator, that we have an inherently difficult problem here. Proof of it is that you have had two negotiations in which we have tried to come to grips with it. In the end, we have our National Technical Means. We will be able, through them, to state to the Soviets if we believe it is the case that a particular test seemed to us to involve a cruise missile that had a capability greater than 500 kilometers. We would then have a compliance issue with them.

Senator LEVIN. Would you see any value if the Senate were to amend the treaty to add that sentence, the sentence that had been unsuccessfully pursued by the United States both in SALT II and INF, and how would the Soviets respond if we did that?

Ambassador GLITMAN. To answer the second question first, I believe they would respond negatively, and, to answer the first question I frankly see no value in that. In the end, as I say, there would be a compliance issue, if that is what happens. We have enough with the definition we have got to provide the basis for a challenge.

Senator LEVIN. Well, you did indicate at a November 13 meeting, two-on-two meeting, [deleted].

So if we are not going to amend the treaty, how do you propose that we acting unilaterally or within our own monitoring system are going to be able to deal with the problem other than what you have told us so far, that we have a compliance problem? Is that it? Is that basically what we are left with?

Ambassador GLITMAN. The treaty cannot guarantee compliance. What it can do is provide us with criteria upon which to challenge Soviet activity. I think it does that.

What you are going to find, obviously, our aim—quoting what I said there at that juncture, our aim was to try to get what we were trying to get. So of course I am going to be making those kind of arguments. It is natural—and making them very firmly.

Senator **Levin**. Is this an example where the negotiating history can present something in a very different light than might be objectively presented in a different situation?

Ambassador **Glitman**. I think that is correct. [Deleted.]

Senator **Levin**. I think this is a perfect example of where the course we are on is going to chill our negotiators' freedom of action in the future. If, in fact, the negotiating history is going to be coming to the Senate after every treaty, future negotiators are not going to be able to argue as persuasively to their counterparts, their Soviet counterparts, because they are afraid it will be quoted, for a totally different purpose, and in different contexts, months or years down the road. I think this is actually a perfect example for it.

[Deleted.]

Ambassador **Glitman**. [Deleted.]

Senator **Levin**. [Deleted.]

Ambassador **Glitman**. [Deleted.]

Senator **Levin**. I am not sure what you mean by that.

Ambassador **Glitman**. [Deleted.]

Senator **Levin**. What is the "it"?

Ambassador **Glitman**. [Deleted.]

Senator **Levin**. [Deleted.]

Ambassador **Glitman**. [Deleted.]

Senator **Levin**. By making this record available to us.

Ambassador **Glitman**. To some extent.

Senator **Levin**. Okay. Are you working with the Secretary on trying to resolve the ongoing question that we have about the ratification language that we are looking at as an add-on—the modified Biden language or whatever we call it? Are you involved in the process of looking at that and giving your input as a negotiator?

Ambassador **Glitman**. I have not been directly involved in that, but I expect to be more involved very shortly.

Senator **Levin**. Thank you. Senator Warner.

Senator **Warner**. Mr. Chairman, would the record reflect that Ambassador Woodworth has returned as a witness?

Mr. Chairman, should we not inquire of our distinguished witnesses as to whether they need a seventh inning stretch for a few minutes? I am not sure. I have been back and forth to the floor so many times to vote. Would you like a few minutes to stretch?

Ambassador **Glitman**. Thank you very much, Senator, for your courtesy. We benefitted from your arrangements and went out and had lunch and took our stretch.

Senator **Warner**. While in absentia you took advantage.

Ambassador **Glitman**. Woodworth says he feels just fine.

Senator **Warner**. Ambassador Glitman, in addition to the GLCM range capability issue the negotiating record also reveals that problems surfaced on obtaining language for determining the range capability of the GLBM. Article VII, paragraph 4, of the treaty states that "the range capability of the GLBM not listed in article II of this treaty shall be considered to be the maximum range to which it has been tested."

The record reveals that the U.S. wanted the word [deleted]. Have I stated this in a manner in which you are able to respond?

Ambassador GLITMAN. I can respond without specific reference to that citation that the United States did attempt to obtain a definition of ballistic missile range based on its maximum potential, as opposed to what it was actually demonstrated to have done.

Senator WARNER. Well, can you explain what our reasoning was for wanting the wording and also explain the inclusion of the 10 or 20 percentage figure in helping to determine range capability of the system?

Ambassador GLITMAN. [Deleted.]

Senator WARNER. Why do you think the language was not acceptable to the Soviets?

Ambassador GLITMAN. [Deleted.]

In light of this important point and your concern—and I address it to both the Ambassadors—why did the United States back down from using the word "potential" in the treaty?

Ambassador WOODWORTH. Senator, why don't I try to address it? In the first instance, the question of the standard, that discussion was in the context of a proposal that the Soviets had made which involved at one point in the fall the idea of exchanging data on systems that might otherwise be thought to be potentially in excess of the range limit. This was in combination with the opportunity on demand to witness the test launch of a missile that was in question. The data that would be provided under this Soviet approach, was data provided unilaterally. The difficulty that we were expresing to them there is that although data could be provided; it is just undifferentiated data about the weight of the system and several other parameters that they had suggested, unless you had some standard to weigh against the data you really had. You could not use that data. You could not apply it to anything that would help solve the question of compliance. At that point we were discussing the maximum potential range formula. You could argue equally that a substitute standard, which we ultimately settled on, was tested range. For such data to be useful you needed a standard, yet the Soviets were not prepared to agree to the kind of standard we were suggesting.

So among other reasons their proposal was not really especially functional or useful.

Senator WARNER. Ambassador Glitman, do you wish to give your views on that?

Ambassador GLITMAN. Well, I think Ambassador Woodworth has quite accurately described the situation that applied as we were conducting this particular session with the Soviets. I would only add that, as I said a little while ago, the particular issue of range criteria was wrapped up in the end as part of a series of tradeoffs. It is very hard to take one subject like this out of negotiating record and say, well, you guys gave that up; unless you turn and find out what else we got at the same time.

What we do have, I should add, at least with the 500 kilometer tested range, is objective. There is going to be no dispute there. Again, it is going to be national technical means, but we can make the clear cut point that this particular missile exceeded that range. At least the nature of the debate will be somewhat more easy to handle.

Senator WARNER. Could you incorporate in your responses the use of SCUD-B in Iraq?

Ambassador GLITMAN. Well, here we really do not have sufficient information to answer the question as to what that is. The treaty is very clear in article VII that if a missile is tested above 500 kilometers it will count as an INF missile. It does not say who did the testing. But we do not know what this is that was launched by Iraq.

Senator WARNER. Do the military witnesses have anything to amplify on the SCUD-B issue?

General PARTLOW. I can only add that I support what Ambassador Glitman has said, and that my understanding is our intelligence community [deleted].

Senator WARNER. I would ask the witnesses to clarify the record as soon as some assessment or consensus is reached in the intelligence community. It is this Senator's understanding that they have reached a determination that it is a SCUD-B and that was the purpose of the question.

Ambassador GLITMAN. If I may add, Senator Warner, the treaty applies only to U.S. and Soviet missiles, of course, not to somebody else's. It is very clear that if a particular type of missile exceeds a limit that missile, regardless of who shot it off, gets captured. But if it turns out that is an Iraqi missile that has been so modified that it is not any longer the SCUD-B, it is still not captured because it is not a U.S. or Soviet missile at that point.

Senator WARNER. Can we make an assumption that it is a SCUD-B? What implications would that have?

Ambassador GLITMAN. Well, if a SCUD-B missile achieved the range exceeding 500 kilometers and we could demonstrate that, could argue that point, then that missile would be captured.

The question is, what is it that the Iraqis shot off?

Senator WARNER. Ambassador Glitman, I have noticed that you have used that yellow volume. Are you able to identify that for the Senators, as to what that might be?

Ambassador GLITMAN. Yes. This is the administration's equivalent of that.

Senator WARNER. In other words, you have got a nice condensation?

Ambassador GLITMAN. No. It is just a small piece of it. This is just September 14 to December 6.

Senator WARNER. Is it identical to what we have, or is it indexed or something in a different way?

Ambassador GLITMAN. It should be essentially the same. I do not thing it is indexed in the same way because you have got some nice key word indexing that this does not do. This is one of three volumes covering that time period.

Senator WARNER. Do you suppose that just as a courtesy one of our people might look at it?

Ambassador GLITMAN. I should add that there is one thing that is in here that is not in there, and that is requests for guidance which the administration felt should not be turned over.

Senator WARNER. I can understand that. But absent that is it possible that we might, just as a matter of curiosity, take a look at it?

Ambassador **Glitman**. I would have to ask others, Senator. I could not make that decision on my own.

Senator **Warner**. Ambassador Glitman, the negotiating record is confusing as to the use of the term "suspect site inspections". It appears that on May 13, 1987 the U.S. considered suspect site inspection as virtually an "anywhere, anytime" inspection provision for facilities outside of a typical declared MOU. Later, the Soviets, for example as late as November 19, 1987, seemed to consider suspect sites as inspections of facilities within the territory of the other party and within the territories of basing countries which could be associated with the INF Treaty-limited missiles.

When such provisions were subsequently dropped in the U.S. and Soviet draft treaties, the term suspect site was still used in the negotiating record. Could you kindly explain to the committee the history of "suspect site inspections," particularly "anywhere, anytime" inspections? Please include details of U.S.-Soviet positions on this issue and the administration's understanding of the term "suspect site inspections".

Ambassador **Glitman**. Yes, I would be happy to.

You are quite right in your initial comment that this phrase was often used when it perhaps should not have been. But we got used to using it because up until the Soviets agreed to the double global zero we were in fact looking at an anytime, anyplace on-site inspection regime, which we called "suspect site."

After the double global zero was agreed and as part of the negotiations which led up to it, one of the points we made to the Soviets was that under double global zero, the verification regime would be easier to develop and implement because of the zero environment. One of the points that we had in mind was in fact dropping the anytime, anyplace.

Given not only the zero but then the tradeoffs that we had to look at in terms of what do we gain in the INF context from anytime, anyplace vis-a-vis the Soviets and what do they gain vis-a-vis us, we concluded on balance that the tradeoffs were such that we did not need it in INF in the zero context. That is not to speak of START. That is different.

So we dropped "suspect site," but we did not immediately drop the phrase. We began to use that phrase and apply it to the inspections of formerly declared facilities which had been eliminated. After a while, we realized that the proper term for that sort of inspection was short-notice, because that was the key to that kind of inspection. And so we tried to introduce that phrase, although I am sure more than once we slipped and inadvertently referred to it as suspect site.

But that is basically the history of it. We did make another run at a suspect site regime, in the true sense of the word, and that occurred at a time when we were having difficulty getting the Soviets to agree to such things as close-out inspections and complete baseline inspection, [deleted].

Senator **Warner**. Mr. Chairman, I have additional questions, but I expect we should just alternate.

Senator **Levin**. Thank you. I just have a couple. I just have a few questions for the Ambassador. First, going back to the GLCM range definition issue, I have one more question on that.

[Deleted.]

Ambassador GLITMAN. [Deleted.]

Senator LEVIN. So we have no on-site monitoring in the final treaty relative to the range issue of missiles; right?

Ambassador GLITMAN. No.

Senator LEVIN. Do you regret that, or do you think we reached the right conclusion?

Ambassador GLITMAN. [Deleted.]

Senator LEVIN. I understand that, but are you comfortable with the conclusion we reached?

Ambassador GLITMAN. I am comfortable with the conclusion we reached.

Senator LEVIN. Would you reach the same conclusion again?

Ambassador GLITMAN. Yes.

Senator LEVIN. Under article XVI, Ambassador, amendments to the treaty enter into force only upon ratification. In the United States such amendments require the advice and consent of the Senate. Changes to the Protocols and the MOU, however, may be made without the use of the amendment process and therefore without the consent of the Senate.

The article-by-article analysis states that this process can be used to make technical changes in the Protocols and the MOU. In your testimony on February 23 you assured us that the only changes that could be made without the consent of the Senate would be technical changes.

A number of the drafts exchanged between the parties use the term "technical modifications" to describe the types of changes that could be made to the protocols without formal ratification proceedings. Because the term "technical modifications" does not appear in the final treaty text, it might be argued in the future that the parties did not agree that the only changes that could be made without ratification proceedings are technical modifications, and that the substantive provisions of the protocols and MOU can be changed without the approval of the Senate.

What is your position and the position of the executive branch on the validity of such an argument?

Ambassador GLITMAN. I would say that it is not valid. We cannot change any substantive treaty obligations without going through the amendment procedure. Only technical types of modifications could be done and only to the Protocols without advice and consent, and even in that case, under the Case Act we would, of course, be obliged and would want to inform the Senate, the appropriate committees of the Senate, as to the nature of such changes.

As I said before on that issue, I would hope there would be close consultation as we move along on those issues.

Senator LEVIN. This is another example of where we would get a little nervous unless your authoritative statement is binding on the executive branch. That is just an example I will point out for the record of where we have to be able to rely on your statement.

Senator Warner.

Senator WARNER. Thank you, Mr. Chairman.

Mr. Ambassador, suppose the Soviet negotiators were to testify before the Supreme Soviet that, contrary to your testimony here today, the Soviets indeed got a noncircumvention provision in the

INF Treaty, and that provision is article XIV. What evidence would you offer our Allies in Europe regarding the interpretation of article XIV? Would you appeal to the negotiating record as authority? Would you offer your own testimony here to the contrary as convincing evidence?

If you were a concerned European, which would you like to see—your testimony or the negotiating record?

Ambassador GLITMAN. I understand the nature of the question, Senator. I would note that, first of all, the treaty itself I think is very clear on this point. It is not a noncircumvention article. Second of all, that particular article had been consulted on very closely with our Allies, especially the British—very closely.

Third, we have here, in particular with this article, more than just a memorandum of conversation to back up our case. Here we have the SALT II Treaty to compare with the INF Treaty and we also have various drafts which the Soviets turned over to us during the course of the negotiations to compare with the final result.

So, as a result, we were able to make a very clear case that this is not a noncircumvention article.

Senator WARNER. Would you kindly look at that and see if you feel you have responded to it? I apologize. I was unfamiliar with the question, but a member asked that it be put to you.

Ambassador GLITMAN. With respect to the evidence I would offer to our Allies in Europe regarding the interpretation of article XIV, I would give them the article, first of all. Would I appeal to the negotiating record as authority? I would most certainly appeal to the draft treaties which the Soviets gave to us and compare them with the final result as authority.

My own testimony would be helpful, I think, but it would not be as important as these other two things certainly. I guess to answer the last question, if I were a European I would not be concerned, because I would understand that all this was correct and we did not end up with a noncircumvention article. But I do believe that the testimony and the negotiating record are both helpful in this particular case. The buttressing of the testimony by having available the drafts that the Soviets turned over to us I think is especially helpful.

Senator WARNER. Mr. Ambassador, a member has asked that this question be asked since he is unable to be here.

In the testimony before the Congress to date there seems to be a recognition that the United States would have difficulty in monitoring the possible existence of a covert production or storage site. Testimony before the Intelligence Committee seems to substantiate that premise.

Now, given that the data disagreements with the intelligence community are also of significance, did we pressure as hard as we could in the negotiation the need for suspect site inspection?

Ambassador GLITMAN. I believe we did, and, more than that, I believe that what we have in the INF Treaty, while it cannot provide 100 percent certainty that there is not covert production or covert storage, does provide us with an effective verification regime which will give us sufficient confidence that we can detect the existence of a militarily significant force.

Senator **Warner**. Now let us look at canceling inspections due to force majeure. Ambassador Glitman, section 10 of the Inspection Protocol permits cancellation of inspections "due to circumstances brought about by force majeure." In terms of the U.S. understanding of this provision, what conditions would constitute such a force majeure?

Ambassador **Glitman**. We had in mind and discussed with the Soviets such situations as bad weather, earthquakes, acts of God—things over which one had no control.

Senator **Warner**. If we were to look for the definition of force majeure that the negotiators had in mind, would we go to Black's law dictionary or where would we look for that?

Ambassador **Glitman**. I am told there is a generally-understood legal definition of that phrase, but I can also add to that that when we discussed this clause we and the Soviets had in mind fog or freezing rain, things of that sort, which created safety hazards such that the inspection simply could not be carried out.

Senator **Warner**. The negotiating record shows that the U.S. wanted to use the term force majeure for section 10. The Soviets, on the other hand, wanted a specific and clear definition of the reason for cancelling an inspection. Why did the United States want a less specific formulation for this treaty provision?

Ambassador **Glitman**. I think there the Soviets were trying to get not so much more specific but were trying to include other activities such as failure of aircraft and so on. Under the treaty they have an obligation to get us to the site within the specified time, 9 hours. So if plane number one breaks, it is incumbent upon them to have plane number two ready to go. We had a debate about that and concluded that acts of God are acceptable.

They would not use that phrase, but anyway that is why we used force majeure.

Senator **Warner**. At any time that you wish to have a break, Mr. Ambassador, would you so advise the Chair?

Ambassador **Glitman**. Certainly. Thank you.

Senator **Warner**. The subject is P–IB and SSC–X–4. Ambassador Glitman, in the negotiating record the Soviet negotiator Medvedev asked you where the U.S. document was that listed the number of P–IBs and facilities. You responded that there was no supporting document "because there were no P–IBs, period."

Later in the same meeting the MEMCON characterizes you as saying that "the Soviets noted there was nothing listed in the P–IB section of the MOU and the Soviets were told it was because there were none existing."

In light of this, Ambassador Glitman, why was the P–IB included in the MOU under the category of Missile Systems Tested but Not Deployed.

Ambassador **Glitman**. The P–1B was just that. It was tested but never deployed. It had existed in a sense, but it did not exist at the time we were negotiating about it in that MEMCON. What we were trying to do was make sure we captured the Soviet cruise missile which fell in the same category—tested but never deployed. Again as part of the negotiation give and take we gave them a zero for the P–IB and they ended up giving us 84 Soviet ground-launched cruise missiles, plus six launchers, I believe, if my memory serves me right, for those systems, which will have to be destroyed during the first 6 months of the treaty. We will not have to destroy anything because the P-IB never got beyond a couple of tests.

Senator WARNER. It seems that this issue is of particular concern because the Soviet GLCM, the SSC-X-4, which is also in this category has been tested numerous times and the MOU shows a declared production figure of 84, which seems to be a pretty high number for a test program. How do you explain such a high production figure for a test program and does the U.S. produce that many systems for a test program?

Ambassador GLITMAN. I am not sure I can answer with an explanation of why there were 84 for a test program. That is an intelligence judgment. We do know that that system was tested but it was never deployed. The systems which they declared were all at a storage site, and I defer to others as to whether we would produce so many under a test program.

General PARTLOW. The P-II was often fired without the second stage, and called the P-IB, in order to be able to perform flight tests of the P-II on test ranges which were too short to accommodate it. And in the process of doing those tests it became apparent that we could build such a missile, [deleted]. And so that explains first of all why we were testing such a system and, second, why we ended up with no systems to declare.

With regard to the Soviet side, I defer to what Ambassador Glitman said and to the intelligence community as far as why they would have that many, but [deleted] it fit the category of tested but not deployed.

Senator WARNER. Ambassador Glitman, in the MOU the United States declared all the production facilities for weapons systems that exist or are still in existence. Why were the Soviets allowed not to declare existing and previous production facilities for the SS-4, SS-5, and SSC-X-4, which, as you know, is the ground-launched variant of the Soviet cruise missile program, a SLCM that is very similar, if not identical, to the SSC-X-4?

Wouldn't the knowledge of the Soviet SSC-X-4 production facilities location help in determining where to direct our NTM so that we can monitor in order to help verify Soviet compliance with the treaty?

Ambassador GLITMAN. We agreed that we would list those facilities for the systems that were in real operation, plus on our side the P-IA, which of course was also in operation. As for the SS-4s and SS-5s, those particular facilities had been out of operation for a long time. The Soviets argued, and we agreed, that they were liquid-fueled missiles and they were not producing such liquid-fueled missiles any longer. Also, given the fact that they have been out of production for so long it would be acceptable not to list them in here.

We did try to get that coverage as the record will show. But in the end we accepted what is in the treaty. We did get the cruise missile launcher facility in here, by the way, at Sverdlovsk.

Senator WARNER. Is the X-21 still in production?

Ambassador GLITMAN. It is. It is a naval system.

Senator WARNER. In the same factory?

Ambassador **Glitman**. As the SSC-X-4?

Senator **Warner**. Yes.

Ambassador **Glitman**. I would have to ask. [Deleted.]

Senator **Warner**. Well, then we come back with the question why no suspect site inspection.

Ambassador **Glitman**. Again, I think the answer was that this was a system that had not been deployed in the INF range.

General **Partlow**. We agreed very early, Senator Warner, with the Soviets that there would be no inspection of missile production facilities on either side, and that is the way the treaty is now written. We have inspections for launcher production facilities.

Ambassador **Glitman**. Thank you, General Partlow. That is a very important clarification. That is something that we as well as they wanted, so that throughout the treaty missile production facilities are not subject to on-site inspection. The value of listing them as such has some benefit, but in fact our national technical means know where they are anyway, so we could not have gone to the SS-4 or SS-5 or Soviet cruise missile production facilities on-site no matter what.

But we did get the launcher production for the Soviet cruise.

Senator **Warner**. Do we know where the SSC-X-4 is produced?

Voice. We are getting beyond the classification level.

Senator **Warner**. I understand.

Ambassador Glitman, the negotiating record shows clearly that the United States felt it was necessary to either have the right to probe inside the canister of a declared SS-25 missile leaving Votkinsk or requesting that the missile be removed from its launch canister. [Deleted.]

Ambassador **Glitman**. [Deleted.]

Instead, they suggested that means could be developed for measuring the missile inside the canister. We insisted that they would have to open the canister to let us do that. They agreed. Our concern, of course, is not verifying SS-25s but, rather, to verify that the second stage of the SS-25 is different from the second stage of the SS-20. That is what we were after. We have to keep reminding ourselves that we are not in the strategic verification business; we are in the INF verification business.

[Deleted.]

So we are satisfied that what we have gotten on this in effect is an effective means of verifying and a very good sample, [deleted] that what is coming out of that factory is going to be SS-25s and not SS-20s.

Senator **Warner**. I have heard you give that answer before and I apologize for being somewhat redundant, but we are at this point in the record trying to put a lot of things in, and I understood that response to earlier questions given to you, and I am respectful of your being patient.

What does the exclusion of these two forms of inspection do to our confidence to monitor the provisions of section 9, paragraph 14, of the inspection protocol?

Ambassador **Glitman**. Section 9? I believe, as I have said, that the fact that it came out the way it did provides us with an effective way of verifying that SS-20s are not leaving that factory.

Senator WARNER. If nothing, why not, given the apparent importance placed on having these procedures included in the inspection protocol?

Ambassador GLITMAN. I am not sure I understand the question, Senator.

Senator WARNER. If nothing, why not, given the apparent importance to be placed on having these procedures included in the inspection protocol? Why don't you articulate it?

Mr. DAILEY. Ambassador Glitman, if we dropped two provisions for inspection—that is, the provision to inspect inside the canister and pulling the missile outside of the canister, why is it not important now? What does that do to our confidence to monitor Votkinsk? If it does not do much for our confidence, why, given the amount of time we spent on trying to get it included in the treaty?

Ambassador GLITMAN. [Deleted.]

General PARTLOW. I would only add to what Ambassador Glitman just said that we have already been informed by our own production authorities at Magna that the Soviets cannot be allowed to touch any of these items coming out of Magna or he, the contractor, will not certify the missile. So we have a situation in which only the inspected party is going to touch its own equipment, and this allows us, [deleted] to actually physically be outside the front end of the missile and perform these measurements satisfactorily.

Senator WARNER. Thank you.

This is Dr. Brian Dailey, who is a member of the minority staff, assisting me in that question, Madam Reporter. And I would like to say for all present that Dr. Dailey has done a marvelous job on this record, and I and other members of the committee commend him for his work.

And at this time I would be glad to yield. I still have some more.

Senator LEVIN. Senator Quayle. Senator Nunn passes.

Senator QUAYLE. Okay.

Senator WARNER. Could the record reflect also that Gary Sojka, who is my representative on the Senate Intelligence Committee, has likewise done very great work in assisting this Senator.

Senator LEVIN. The record will so reflect.

Senator Quayle.

Senator QUAYLE. I would also like to congratulate Brian and others who put together quite an exhaustive study on this matter and have been very, very helpful.

I guess I would like to start, and what I want to do is go through, to focus on future systems and that whole issue, and to get just from my perspective, when did we decide or was it always known to you, Ambassador Glitman, that the treaty was going to not only prohibit currently existing systems, but also prohibit future systems?

When did we start talking seriously with the Soviets about prohibiting future systems?

Ambassador GLITMAN. Well, in a sense, when we proposed zero in 1981, when the President proposed it, inherent in a zero outcome was the prohibition on any new systems. So it was understood from the beginning that if we had a zero outcome, there could be no new systems.

Senator **Quayle**. So in other words, from the very beginning we knew we were going to talk about future systems. In the negotiating record, I was told that the real discussion of futures began in earnest in August 1987. Is that correct or incorrect?

Ambassador **Glitman**. That would follow, because that was the time when the Soviets joined us—July 28, I believe, or so, was that interview that Gorbachev gave. He accepted zero.

We then proposed a treaty based on that. We had one. We brought it up to date. And yes, then we really got in earnest on the subject because both sides were proceeding from the same premise.

Senator **Quayle**. And when we look at futures in the generic category, basically is it article 2, article 7, and article 14? Are those the relevant articles that would prohibit futures?

Am I correct in that?

Ambassador **Glitman**. I would not put article 14 in that category.

Senator **Quayle**. You would not?

Ambassador **Glitman**. No. It talks about assuming no future obligations. But that is not in the same category, it seems to me, as the point you are making about no future systems. Article 6, of course, falls into that.

Senator **Quayle**. So you would put 2, 6, 7, but you would not put 14? I guess I am just trying to see what the relevant articles would be.

Ambassador **Woodworth**. I think the definitions are in 2 and the basic bans are in 6 and then the counting rules in 7.

Ambassador **Glitman**. I would not put 14 in there, since it does not add any additional obligations.

Senator **Quayle**. It adds future obligations, does it not?

Ambassador **Glitman**. The treaty does that. All 14 does is effectively it says that this will not affect——

Senator **Quayle**. Does anybody have that State Department analysis on article 14?

I apologize. I thought that they referred to the future obligations in article 14.

Ambassador **Glitman**. That is correct, future obligations, but not new systems.

Senator **Quayle**. What is the difference between obligations and systems?

Ambassador **Glitman**. Because what the State Department—I would not really say it is necessarily a State Department analysis, though I guess it is Secretary Shultz's analysis.

Senator **Quayle**. The Secretary of State?

Ambassador **Glitman**. Yes. There is a transmittal letter from the President, which is why I made that, covering this.

But in any case, that sentence, this provision, refers only to the assumption of obligations in the future and existing agreements are therefore unaffected. Article 14 will not affect existing patterns of defense cooperation or collaboration with our allies, nor will this provision preclude cooperation with our allies in modernization.

It is apparent from this language that what this is referring to is not whether you can produce new types or not. What it is basically saying is article 14 will not interfere with the existing patterns or affect existing patterns of cooperation.

But we could not start a new pattern of cooperation using a banned system with somebody else after the treaty is in force, and that follows from the logic of article 6, of course. If you cannot produce them, you cannot have a pattern of cooperation.

What we are trying to do here, what this is saying essentially, is the arrangements that we have with the Federal Republic of Germany are not affected by this treaty.

Senator QUAYLE. So article 14 was directed to the Federal Republic of Germany? That was the thing we had in mind when we put in article 14?

Ambassador GLITMAN. It went through more than one phase in what we were trying to deal with. The Soviets first attempted, it seemed to us, to be getting at the British and the French through article 14. We knocked that down.

Then they seemed to be coming at the Germans through article 14, and we have knocked that down.

Senator QUAYLE. So is there a particular country that article 14 is directed to?

Ambassador GLITMAN. It is not directed to any particular country. It so happens that we have one existing pattern of cooperation, program of cooperation, involving treaty-limited items, INF items, and that is a program of cooperation with the Federal Republic.

Senator QUAYLE. What program is that?

Ambassador GLITMAN. That is the Pershing IA program.

Senator QUAYLE. Where does that stand now?

Ambassador GLITMAN. That program has of course been completed long ago in terms of the supplying of the missiles. They have been sold to the Germans. I believe they own them. They own the missiles and they own the launchers. We have custody of the front ends, the nuclear warhead devices and so on, that are in the front ends. We make them available to the Germans.

And what we are saying is that this treaty does not cause us to stop that program.

Senator QUAYLE. So we will continue with that program?

Ambassador GLITMAN. Yes.

Senator QUAYLE. And article 14 does not affect that?

Ambassador GLITMAN. It does not. It is up to the Germans to end that program, and Chancellor Kohl said he would end it. But that is a different issue.

Senator QUAYLE. Would you say that article 14—I am told in staff discussions with Mr. Reddy that all article 14 precluded in the future were cooperative ventures with our allies, under which we transferred "a full up INF missile system" to them.

Is that correct?

Ambassador GLITMAN. I think that is correct. That is, we pointed out that we are prohibited by the treaty from producing or possessing missiles, stages of missiles, or launchers of missiles that are covered by the treaty. We cannot therefore have anything of that sort transferred to any allies in the future. We will not have them.

But the article does not prevent us or prohibit us from supplying components, and we discussed here before guidance systems as an example of a component.

We also noted that if a party were to supply the missile piece by piece, component by component, and you ended up with the whole missile, then obviously that is not in keeping with the treaty.

But a specific part or two, yes.

Senator QUAYLE. Like guidance systems?

Ambassador GLITMAN. Like guidance systems. And here again, a question was asked earlier about what is there in this particular record that we have to demonstrate that this is an accurate understanding. And we have language of the Soviet Union itself asking for prohibitions on transfer of components and technical documentations in writing from them, and that is not the way article 14 reads.

So we have a very strong case to be made in not only the wording of article 14, but the comparison of article 14 as is agreed to in the treaty, with the language the Soviets proposed earlier.

Senator QUAYLE. I do not have it, but I presume the staff does.

So in other words, in this negotiating record here we have very clearly what the Soviets specifically asked for and that is all laid out, and that was specifically denied?

Ambassador GLITMAN. That is correct.

Senator QUAYLE. So basically you are saying that article 14 only applies to transferring a full-up or full systems to Allied countries, I presume?

Ambassador GLITMAN. That is correct.

Senator QUAYLE. And that is what article 14 means?

Ambassador GLITMAN. That is correct.

Senator QUAYLE. Let me just ask this question. It says "shall not assume any international obligations or undertakings." Does that mean international obligations and/or international undertakings?

Does "international" modify both the obligations and undertakings?

Ambassador GLITMAN. Yes, it does, and we had a specific discussion on that point during the negotiations. It modifies both.

Senator QUAYLE. Okay. It refers to both.

Let me set aside article 14 and let us focus on the futures and article—I guess it would be for my purposes, I think, 2 and 7 are more relevant than 6. I am not going to get into the 25 in the future, although that is a current system.

But my interest is on making sure that we understand what is going to be prohibited or banned. What I am attempting to do—and the answer I think goes back to Senator Cohen's first question that I think he asked on the boost glide vehicle, which I am not going to go into at this time. The answer came back which says, if it is a weapons delivery system, if it is ground based, if it is in the range, and if it is a cruise or ballistic missile, it is banned.

Those are the four criteria. What I want to do, I would like to go through those four criteria and see if we can come to an understanding of what those four criteria, what they mean.

And I guess the first one, the first area, is on range. The first one is on range and how we go about verifying the range, and I guess we will start with the ground-launched cruise missile, because we have different range, in my understanding, a different range for cruise missile as compared to a ballistic missile, is that correct?

Ambassador GLITMAN. In both instances, if a missile, ballistic or cruise, exceeds 500 kilometers but does not exceed 5,500 km it is captured. In the case of the cruise missile, we added this additional definition to try to deal with the problem of a cruise missile which is tested below 500 kilometers, but which we believe may in fact have the capability of going beyond it.

And we have written into the treaty language which will provide the basis for a compliance complaint or challenge, rather, if we come to that conclusion.

Senator QUAYLE. And the language on the GLCM is basically the maximum distance which can be covered by the missile in its standard design mode, flying until fuel exhaustion, determined by projecting its flight path on the Earth's sphere from the point of launch to the point of impact.

That is the language that is in this treaty. Is that not also the language that was in the SALT Treaty?

Ambassador GLITMAN. It is essentially the same language in the SALT Treaty.

Senator QUAYLE. During the discussion of SALT II, there was a recognition, I think, by Senator Vance—I would have to go back—who brought this up, and they said they had worked with it and this is the best definition that they could get, but pointed out that there would be some problems with it.

Did we try to improve upon the SALT II language for range? Did we try to get a different, more precise definition for the cruise missile on what its potential range would be?

Did we try to get this?

Ambassador GLITMAN. We did. We had a discussion on this very subject with Senator Levin. It is almost as if we were posing your questions for you.

Senator QUAYLE. Well, I do not want to be redundant, but I am sort of curious what the answer was.

Ambassador GLITMAN. Well, I will have to make sure I give you the same answer I gave him. I do not mean to suggest that I would not give the same one, but I do not want there to be even a nuance difference.

The answer is, yes, we did try. The Soviets argued that the definition in SALT took, what, 7 years to develop, and they doubted if we could do better. In the end, as part of a tradeoff on other issues, I believe, if my memory serves me right—history will bear out if that is true or not—this issue of range definition was put together with two other issues during the November ministerial meeting in Geneva, November 1987.

And as part of a series of tradeoffs, we accepted the definitions on ranges, in return for getting some inspections that we wanted.

But beyond that—and it was not just a simple question of tradeoff—we did conclude that the language that we have in the treaty is effective in terms of providing us with the grounds or the basis for making a compliance issue out of a test if we concluded that the missile in question could exceed 500 kilometers. And adding the additional language would not have improved our ability to make that challenge.

Senator QUAYLE. Did we set down to the Soviets a more precise proposal for determining the potential range of a cruise missile, beyond this fuel exhaustion definition?

Ambassador GLITMAN. We had some additional language, not too distant from that which Secretary Vance suggested had been attempted in the SALT II Treaty.

As I said, that was part of an arrangement, a tradeoff that we made.

Senator QUAYLE. As part of a trade.

Ambassador GLITMAN. And again, we have the same conclusion we reached, that we had sufficient effective verification, I should say, in the language which we got in the treaty to assure us that there were grounds for a compliance challenge if we thought we had to make one.

Senator QUAYLE. On that point of requesting additional precise definition of fuel exhaustion, was it put in terms of an amplification—am I using the right word? An amplification of the agreed statement two of article 2 of SALT II?

The reason I am searching here is because I am told that we do not have part of this amplification that was referred to in the negotiating record here. When the staff was going over this, they said that we did not get part of this which was laid down and proposed to the Soviets.

And I am wondering if we could in fact get that.

Ambassador GLITMAN. We were given some additional guidance on that point, which is what I am referring to when I say we made an effort to get more details.

Senator QUAYLE. But there is some more details that I understand were actually submitted to the Soviets than what we have available that is in this negotiating record that was furnished to us, because there are some references——

Ambassador GLITMAN. It is in a document that you have. We did put something down and you should have that document.

Ambassador WOODWORTH. It is my understanding it is in the memorandum of understanding.

Ambassador GLITMAN. That is correct, it is in the memorandum of understanding.

The confusion may be that at one point we tried to put it in the MOU, and we took it out and tried to put it in the treaty. In any case, it was rather short-lived.

Senator QUAYLE. Okay. I am on page 7529. Do we not have the same books.

Ambassador GLITMAN. No, we do not.

Is it possible, Mr. Chairman, we could get the same books?

Senator LEVIN. They will get the same books. Can you get the same book that Senator Quayle was referring to?

Senator QUAYLE. Can we work off their book or they work off our book?

Ambassador GLITMAN. We will have to work off of yours. But if you give us an INF number and a date, we can identify it.

Senator LEVIN. Senator Warner requests that we take a look at the book they are looking at. It appears to be slightly different, but they have items in there that are privileged.

Ambassador GLITMAN. Our requests for guidance.

Senator LEVIN. That is an executive privilege.

They also do not have as good an index as we have got, or word code or whatever.

Senator QUAYLE. I am on page 7529.

Ambassador GLITMAN. Yes.

Senator QUAYLE. It says: "Per ref"—I guess that is references—"A and B." We do not have that.

Ambassador GLITMAN. Those are guidance cables.

Senator QUAYLE. Oh, and that is executive privilege?

Ambassador GLITMAN. Yes.

Senator QUAYLE. Okay. Well, I have always been a promoter of executive privilege.

Senator LEVIN. That is why I mentioned it so publicly. I thought it might get your ears perked up.

Senator QUAYLE. I have made a number of eloquent arguments on the floor of the Senate, I might add, on this topic. But if there is any way you can see fit to get around the executive privilege on this particular issue, because I am a fairly strong proponent of that. But I also am very curious of getting involved into this. Maybe you can give me some parameters.

I guess what I am trying to say, I know it is incorporated later on, what I would like to see is what the Soviets rejected in that guidance cable. And I do not want to get into executive privilege. As I say, I do not want to break that barrier down. We do too much of that anyway.

But I am very curious about some of the specifics that we were able to request on increasing this and getting more definition on fuel exhaustion.

Senator LEVIN. You always urge us to restrain our curiosity when it comes to breaching the separation of executive and legislative.

Senator QUAYLE. I am very cautious.

Senator LEVIN. We will support you on this, but we will look forward to support from you when we try to breach it.

Senator QUAYLE. I am not trying to breach it. I am just trying to ask for a little cooperation, rather than mandating and getting involved in that. I always like to cajole and convince.

Ambassador GLITMAN. Senator, it is my understanding you have got in fact the language. It should be in the record somewhere.

Ambassador WOODWORTH. It is in the joint draft text.

Senator LEVIN. Bob Bell is suggesting that I draw your attention to page 7536, paragraph 10. Does that not answer Senator Quayle's question or give Senator Quayle the background he is looking for on that page, without getting into the guidance issue?

Is that not set forth there?

Ambassador GLITMAN. That is it, you have got it.

Senator LEVIN. Bob Bell comes to the rescue. It is page 7536. We will get it over to you. We will breach the separation.

Senator QUAYLE. Well, I will tell you what. I will take your word for it that this is as much information—I take it that this is as much information as you want to share on what the guidance was to try to get from the Soviets, because see, the thing is, we have this in SALT II and we recognized we were going to try to improve upon it.

My curiosity is to see how we were going to improve upon it. And you think that this basically gives you the parameters?

Ambassador **GLITMAN**. It is the last two sentences.

Senator **LEVIN**. Is this the same issue we discussed before, Ambassador Glitman?

Ambassador **GLITMAN**. Yes.

Senator **LEVIN**. This is the same issue we went into before.

Senator **QUAYLE**. And the Soviets basically, just looking at this very quickly, they refused to accept most of this, correct? And you went back to the SALT II language?

Senator **LEVIN**. He had explained before why they did not pursue this to the end of the line and give up the treaty unless we got this.

Senator **QUAYLE**. Why was this, in your mind, or is this in this nebulous area, why is this so important to the Soviets, not to go along with something like this with it being more precise?

What was their argument?

Ambassador **GLITMAN**. Their basic argument was that it did not add to the definition and did not make it any easier to deal with the problem. I think essentially what we have to bear in mind here, first of all, GLCM's are difficult to deal with on a range criteria basis, they are difficult.

So we are going to have negotiations, we are going to have treaties, that are going to include GLCM's, and we are up against the problem.

Second, what we need is a definition of range criteria which provides us with a basis for registering a challenge. We can add more information to it. But my guess is that before too long we would run into sources and methods problems when we make a challenge. How do you know, they will say, that this missile did not exhaust its fuel or did exhaust its fuel? And how do you know how much fuel was left? It seemed to us that we would not be able to tell them.

Senator **LEVIN**. Would you yield for one moment on this point, because I raised another issue, which is that Vorontsov said on page 7665, Vorontsov said: [Deleted.]

Senator **QUAYLE**. Invite us to the test range when they test what?

Senator **LEVIN**. And the maximum range would be determined. I asked the Ambassador, why did we not take him up on it? Why did we not say, hey, we would like to go to your test range? And his answer was twofold:

[Deleted.]

Ambassador **GLITMAN**. That is correct. And I did not make a third point, which was unless you had a criteria, a standard against which to judge the data that you got, you are still nowhere. So what was the standard going to be; 500 kilometers tested range or something else?

Senator **LEVIN**. I thought I would just interrupt you. It is an interesting little sidelight here, that they wanted to invite us to their test range and we said no, for the reasons that he said.

Senator **QUAYLE**. But also, even if we would have that capability to go to the test range, and they said, here, we are going to test this and we are going to shoot it at 490 or whatever it is, we still do not know the potential of that.

And you see, that gets into that we just ought to understand this, and we get on the floor and start saying, hey, no problem. We have to understand where we may be bickering down the road with the Soviets, and I think this is clearly one of the potential areas that it is going to be, because if you tested a cruise missile at, say, 400 or 450, you could have some degree of confidence that then, depending on what kind of a warhead you have on there, depending on how far you fly it, into the wind—how could you get confidence it could not go 1,000? How could you have confidence in that?

I do not think we gain that much more, in all probability, just looking at it on their test range. It is still a very difficult thing, and what we are doing and what I think I am trying to get the Senate to appreciate when we get in and ask you all to come up with a verification scheme on some very difficult things like range, we are asking you to do some very Herculean things that are just really beyond the national technical means that we have.

It is just very difficult to get that, and it is not that you did not get as good as possible in the tradeoffs. But we need to understand that these are the tradeoffs when we get into this agreement, and that is the reason to focus on this range.

Did we bring up with the Soviets in making sure that we could continue to use the telemetry on this treaty? In other words, that they would go back to in some cases a test instrument package? Do we have that clarified in the treaty?

Ambassador GLITMAN. Yes. We managed to avoid all of that by having no testing at all. Therefore, once the treaty enters into force they cannot test and there is no telemetry.

Senator QUAYLE. I am thinking of below 500. I am thinking of testing below 500 or over. See, that is the thing.

Ambassador GLITMAN. It is not covered by this treaty.

Senator QUAYLE. Now let me switch to the range on the ballistic missile. Did we ask if they would accept the word "potential" to the maximum range?

Ambassador GLITMAN. We did, and Senator Levin will recall we discussed that issue also. I said I thought you were asking the questions for him.

Senator QUAYLE. Actually, he and I briefed each other. We did ask to get potential.

Ambassador GLITMAN. That is correct.

Senator QUAYLE. And they rejected that?

Ambassador GLITMAN. That is correct.

Senator QUAYLE. And why did they reject that?

Ambassador GLITMAN. Again, I hope that I will not be contradicting my earlier answer to the same question.

Senator QUAYLE. We will let you revise and extend for the record.

Senator LEVIN. I hope that was not me that asked. I hope it was Senator Warner. If it was me, then I am getting punchy.

Ambassador GLITMAN. I believe it was Senator Warner.

Senator LEVIN. If it was Senator Warner who asked it, it is you who is getting punchy.

Senator QUAYLE. They turned it down, under what general rationale?

Ambassador **Glitman**. Their basic argument was that the definition was extremely complex. We had Dr. Fraley, who is an engineering Ph. D. to explain it to them. That did not seem to help.

At one point we thought they understood it, then they claimed they did not. So it was complex. I remember responding that, even if I did not understand it, it did not matter; what mattered was whether an engineer would understand it, because the engineers would be looking at the data.

But aside from complexity, they argued that it was subjective, that in the end you were dealing with issues which got beyond pure engineering data and so a subjective element would enter into it.

And finally they said that it was a type of issue that had been discussed at great length before, that they were not prepared to go into that again. They had had some resonance from early disputes on that type of subject in the SALT talks.

Senator **Levin**. Could I interrupt for just a moment. I am not sure what rule of time we are following here, but if Senator Wilson wants to ask some questions, I should follow some kind of regular order here. I do not know if you guys have worked something out before or not.

If not, why do we not see if Senator Wilson has some questions, and we will come back to this.

Senator **Quayle**. Let me ask this. As I said before you went out, I had four areas I was going to get into. One was range and I am just about finished with that first area.

Senator **Levin**. I do not know what Senator Wilson's situation is. Could he finish this one area?

How many more minutes do you need, Dan?

Senator **Quayle**. It should just be a couple of questions. I do not think it will be that long. If I go over 5 minutes, I will just yield.

Senator **Levin**. All right.

Senator **Quayle**. We have not and we normally do not test ballistic missiles to full potential, is that correct?

Ambassador **Glitman**. It is my understanding that we do not necessarily do that. I do know that we test to operational range, and often we test well below that.

Let us ask some of the gentlemen in uniform, especially in the blue suits, or green.

General **Partlow**. This came up recently in my experience with regard to a question that was earlier asked about the SCUD-B and what is going on between Iraq and Iran. I asked some questions of our missile people and it turns out that if you do certain things, [deleted] there is additional range potential.

They are not startling, but there is additional range potential you can get out of it. I do not know if that answers your question.

Senator **Quayle**. I guess my question, take the MX, Minuteman, Trident. I mean, we never test those to the full potential. We test it to a certain range, but we do not do it to full potential.

General **Partlow**. The answer to your question is yes, [deleted] we do not test it that way.

Senator **Quayle**. So again, it gets into the confidence factor. I am not saying that I think maybe "potential" would have been better, but we did not get that. But we have to understand that, looking at a test of a ground-launched ballistic missile, one that would be tested at 400 or 450, that there would be a certain degree of confidence that they could go beyond that, just with that missile or with just minor adjustments, as we found out using the example of the SCUD.

It is my understanding that when the Soviets transferred it down to Iraq, it was 300 kilometers, and with very few modifications in Iraq that they got it to 600.

General PARTLOW. Do not misunderstand what I just said, Senator Quayle, please. [Deleted.]

But in the process of doing that, I was given a paper which shows [deleted].

Senator QUAYLE. And it is pretty easy to do some of these little things and to have the confidence that you have got that extended range without testing?

General PARTLOW. I would not comment on whether it is very easy to do it or not. But the answer is you can get more mileage out of these things if you are willing to do certain things to them.

Ambassador GLITMAN. But I do think, Senator, that the question of confidence is important, and confidence drops proportionately as you get further out beyond the tested range.

I also understand that, so far as the Soviets are concerned, they tend to test their shorter range missiles to their maximum in order to have confidence that they can reach that maximum.

Senator QUAYLE. That the Soviets test theirs to the potential, and we do not?

Ambassador GLITMAN. [Deleted.]

Senator QUAYLE. But the one thing, when you brought up the SCUD-B as a transfer, that it is transferred. We had testimony this week in open session that it was transferred from the Soviets to the Iraqis, they thought it was around 300 kilometers.

It has been reported and they confirmed that it was 600 kilometers. There were modifications. I do not think we know exactly what, but there were modifications. The Iraqis did not go out there and test this thing at 600 kilometers; they just fired it and it got to 600 kilometers fairly easily.

And that shows the problems that you have in very easily being able, when we ask you to get a verification regime on some very difficult things like range. It is a very difficult thing to achieve.

It is basically impossible to achieve that with the degree of certainty, I suppose, that some would have just citing the Iraqi case.

Mr. Chairman, I think that about concludes my questions on the range side of it, to show the problems we have on verification.

Senator LEVIN. Thank you, Senator Quayle.

I had indicated I would call on Senator Wilson next. Senator Wilson.

Senator WILSON. Thank you very much, Mr. Chairman.

First of all, let me state for the record that I think that this is extremely valuable, and I think that, although it is demanding on the time and energy of our distinguished panel of witnesses, I think it is worth that time, because I think that had we had a similar experience back in 1972 that we might very well have avoided the kind of debate that consumed a great deal of time last year and continues to rage without resolution with respect to the ABM Treaty.

So I think that it is extremely valuable. I only wish that those who had the responsibility for ratification of that treaty had had the opportunity that we are having, to not only have the negotiators with us, but to have them with us and concurrently have before us the negotiating record. That opportunity did not exist for those in 1972, and I think the results are plain for all to see.

With the record in hand, with the negotiators before us, we have got the best possible opportunity that we will ever have, and I think that we are right to avail ourselves of it at whatever length is required in order to do properly the job that we have in discharging this very important ratification duty.

Now, having said that, let me just say that I missed the exchange earlier this morning when Senator Cohen asked this question about article 6, subsection 2. And I know that others have pursued that and, as the chairman indicated, there are questions that relate to substance and questions that relate to process.

As nearly as I can tell, the substance has been pretty adequately dealt with. I would really like to concentrate on the process question. And I am particularly intrigued, as were my colleagues, by those sections of the record that we found that indicated that the Soviets seemed determined to gain clarification of language which they felt to be less precise than they wanted it to be.

And I will not quote you what you already know, the statements of Obukhov suggesting greater precision and a clearer spelling out of the meaning of that language be added.

But the thing that was so striking was that he sought to cure what he viewed as a deficiency, and to achieve that clarification by asking for an explicit statement from the United States which he asked to be placed in the negotiating record.

I understand that earlier today, Ambassador Glitman, you made the point that the negotiating record of this treaty and other treaties is not precisely the same thing as the kind of legislative history that we take pains to produce here, that there were no stenographers present taking down verbatim the statements of the negotiators.

I understand that. On the other hand, it seems to me that the response that you made earlier to Senator Warner, that were the Soviets to be discovered as representing to the Supreme Soviet, were their negotiators found to be representing something that you found to have not occurred, that the means whereby you would seek to clarify that would be by resort to the record.

And it seems to me that is entirely not only reasonable, but the inescapable requirement, because it would be the best evidence available to you of your interpretation of the correct meaning and as basic as elementary contract law. There is no contact, there is no agreement, no meeting of the minds, unless both sides agree as to what they have agreed upon.

There has to be, in that phrase from elementary contract law in first year law school, a meeting of the minds. And yet, as we see time and again in the courtrooms, contracts can be drawn in a way that the parties thought they were agreed and then later are arguing about. And good lawyers seek to avoid that, and good negotiators seek to avoid that.

But on anything as complex as this, and given the circumstances under which you were compelled to negotiate, including circumstances where it seems to me the Soviets have sought to create ambiguity, with the thought that they might later exploit it, that there is obviously need to try to do what good lawyers do, and that is provide for as much as possible clarification of some provision that is subject to more than one interpretation.

Now, I am frankly at this stage, at least, for purposes of this discussion less interested in the meaning of subsection 2 than I am in the fact that the Soviets seem very clearly, from the memoranda that are available to us, to have wanted clarification that they thought would be tantamount to in effect writing into the treaty the meaning that they assign to article 6, subsection 2, and that they thought they could achieve that by a statement from the U.S. negotiators that was included in that negotiating record.

Are we together?

Ambassador GLITMAN. I think that is right, although it would be more accurate to add that what they wanted was something in writing from us. That is not what they got, but their aim was to get a piece of paper.

They may have had in mind something like the agreed statements or common understandings that exist in the SALT II Treaty. They tried that approach with regard to limiting the number of Pershing missiles that we might have at the end of 29 months.

They wanted us to have an agreed understanding——

Senator WILSON. All right, but my point is this. Whether you reduce that to writing or not, you did make the statement that they desired.

Ambassador GLITMAN. I made a statement which seemed to satisfy them. But as you know——

Senator WILSON. And there is in our records of your negotiations a memorandum that states clearly what it was that you stated to them.

Ambassador GLITMAN. In our record. We have no idea what is in theirs, but this is in ours.

Senator WILSON. We have to assume that if they seemed satisfied with it, there is something that is in theirs that is pretty nearly the same. Is that not the case?

Ambassador GLITMAN. I think that is correct.

Senator WILSON. So the fact that you did not hand them a written statement does not really destroy the fact or does not avoid the fact that there is a record. There is a record and there are records. There is one in ours. And so, for whatever you term the negotiating record, this negotiating record consisting of memoranda of these meetings and of those discussions and negotiations contains a representation by the United States, found acceptable by the Soviet Union, which both sides have made some notation of in memoranda, or at least you assume that they have as well as we.

Ambassador GLITMAN. Yes, we have to assume that they did. We do not, of course, know whether it is common. It is not as if it was the Congressional Record, in which it is held in common.

[Deleted.]

Senator WILSON. Wait a minute. [Deleted.]

I would assume very much to the contrary. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Senator WILSON. I think what is clear is that they wanted both a substantive understanding and they wanted a memorandum of that understanding. They wanted it clear so that in the future when they do what they want to do there will not be an accusation on the part of the United States that they are not in compliance.

Ambassador GLITMAN. I think that is right, that is correct.

Chairman NUNN. Senator Wilson, would you yield for one point?

Senator WILSON. Yes, sure.

Chairman NUNN. We talked about that this morning and the definition of the negotiating record that has been given to us by the State Department is that it is matters that have been delivered to both sides. Both sides have had access to whatever is called the negotiating record.

Unilateral statements, unilateral memos, are not the negotiating record; is that correct?

Ambassador GLITMAN. I think the point was, Senator, if I remember correctly, you asked me whether we had provided this—that was the phrase you used—to the Soviets. And I initially said no.

But then you said, but you read it to them? And I said that is right. I believe you then said, well, that constitutes providing it to them.

Senator WILSON. Mr. Chairman, I think there is a distinction and I think it is a critical distinction. It is that the negotiating record is comprised of various memoranda of whatever transpired between the U.S. and Soviet negotiators, but does not include those unilateral communications from their principal to the U.S. negotiators, which the Soviets never saw. But it includes everything that transpired between them orally and in writing.

Chairman NUNN. That has been delivered to both sides.

Senator WILSON. I do not believe that that is the case. In other words, I do not think the Soviets have yet seen this. I mean, if you are going to employ that strict test, then there is no negotiating record until we have seen theirs and they have seen ours.

Chairman NUNN. I will ask Ambassador Glitman would you clarify this because it is a very important point—Secretary Shultz, in his February 5 letter to Senator Byrd wrote—"We will provide access to cables and memoranda of conversations reporting discussions with the Soviets at Geneva, all joint drafts, texts, U.S. and Soviet prepared texts exchanged, all plenaries and other working meetings, and all other documents exchanged between the parties. We cannot provide internal executive branch deliberative materials that were not provided to the Soviets, because such materials do not reflect the mutual intent of the parties and therefore cannot be used as the basis for interpretation of obligations."

Senator WILSON. That is the point I was just making. It includes everything that transpired between the negotiators, except for those unilateral instructions from Washington to Geneva, to our negotiators. But that does not mean that the Soviets have seen this any more than we have seen their version of it.

Chairman NUNN. That is why the question is whether it is part of the negotiating record.

Senator WILSON. If you read the language of Secretary Shultz that you just read, it makes clear what is the negotiating record. It is everything else other than those unilateral instructions to the negotiators.

Chairman NUNN. What he says is—well, let us ask Ambassador Glitman. I am not the expert on this.

You tell us what you think the negotiating record is.

Ambassador GLITMAN. We discussed again this morning whether it is a negotiating record or a negotiating history.

Chairman NUNN. "History" is a better word.

Ambassador GLITMAN. We noted that it is not the same as a transcript, because we did not have the type of reporting that we have here. We also pointed out that it contains, as any negotiating history or record will contain, statements made by both sides which were not designed necessarily to, as we hope we do here, inform and illuminate, but rather to set up positions.

Senator WILSON. Well, that is understood. But nonetheless, what we are getting at is in this particular instance, the substance aside, the Soviets were demanding that we make a statement—and I do not want to get involved in a semantic quibble, but it was a statement that would clarify their right to do something.

And such a statement was made, and it was made orally by Ambassador Glitman. And you can be damn sure that the Soviets, if not verbatim, if not a verbatim transcript, they have that statement in Russian in their records.

Ambassador GLITMAN. I think that is a very strong assumption, that they have done that, that it is in their records.

Senator WILSON. And the reason clearly was that they therefore are armed with what they need in the event that we should ever challenge them on compliance with that provision when they go forward and do whatever it is that they are seeking U.S. agreement to do.

Ambassador GLITMAN. I think that is correct. And we gave it to them orally. [Deleted.]

I have said already that I would anticipate that if there were any questions raised to which this would be useful for them, that they would pull it out.

Senator WILSON. That is right. And to make the point further, Mr. Chairman, I think if we examine the language of the article in the subsection, the language makes no reference to the SS-25 missile.

[Deleted.]

Ambassador GLITMAN. They were very concerned that we would somehow use this treaty to stop production of the SS-25.

Senator LEVIN. If you would yield on that for just a moment. You said this is what they got. What you really mean, I think, is that this is what you told them.

Ambassador GLITMAN. Yes.

Senator LEVIN. You do not know what they got, because you have never seen what they wrote down. But if they wrote down what you told them accurately, that is what would be in their negotiating history.

Ambassador GLITMAN. That is correct.

Chairman NUNN. The question is, suppose their negotiating history on this same conversation is diametrically opposed to yours? And you come up with your MEMCON, they would come up with their MEMCON, both on the same oral conversation, and they are different.

Are both of those part of the negotiating history?

Senator WILSON. Sure, and what that would indicate clearly is that there was no meeting of the minds on that point, there was no agreement.

Chairman NUNN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Chairman NUNN. I do not, either.

Ambassador GLITMAN. If it were to be official, it had to be handed over. [Deleted.]

Chairman NUNN. We would get into deep trouble if we said the negotiating record includes——

Senator WILSON. Wait a minute. Let me point out that we do operate on a very different standard. [Deleted.]

Chairman NUNN. Would you think it a hazardous practice for us to take the position that the negotiating record is defined as something that includes something that has not been exchanged between the parties? That we allow them to say that their MEMCON's of oral conversations are the negotiating record? Would it not be very dangerous for us to do that?

Ambassador GLITMAN. I would not accept their MEMCONs as being part of our record of the negotiation.

Chairman NUNN. Does that mean we then define our MEMCONs of oral conversations as being part of the negotiating record, but theirs are not?

Let him answer the question.

Ambassador GLITMAN. As part of our negotiating record.

Chairman NUNN. But not part of the negotiating record as defined by Secretary Shultz' letter?

Senator WILSON. Yes, it is. Read that.

Ambassador GLITMAN. He is only talking about ours.

Senator WILSON. Read that language again, Sam, the whole thing.

Senator LEVIN. Sing it again, Sam.

I take it there are two negotiating histories. They have their negotiating history and we have our negotiating history. Is that what you are saying, Mr. Ambassador?

Ambassador GLITMAN. There is a negotiating history that is shared. That consists of written documents that were exchanged.

Senator LEVIN. But our negotiating history is more than that, is that correct?

Ambassador GLITMAN. Our negotiating history includes the memorandum of conversations.

Senator LEVIN. I think the answer is yes to my question. Our negotiating history is more than the documents which were exchanged.

Ambassador GLITMAN. Yes.

Senator LEVIN. Their negotiating history is more than the documents that are exchanged, I presume, too.

Ambassador GLITMAN. Yes.

Senator LEVIN. Which means two different negotiating histories, their notes of what we told them and our notes of what they told us. They may not be the same. They may have heard you say the word "not" when you did not say the word "not." We do not know.

So we have got a negotiating history. We do not know whether it is the same as theirs. Part of it is the same, the documents which were exchanged. Other than that, it could be very different.

I interrupted you, Pete. Forgive me.

Senator WILSON. The whole point is that when a dispute arises as to compliance, obviously there is going to be some resort to some evidentiary record, call it history, call it what you will. And the best evidence that either side can summon for its point of view, they will bring forward.

And that is the purpose of having such a record.

Senator LEVIN. And if it is in writing it is better evidence than if it is oral.

Senator WILSON. It certainly is. However, it does not mean that only writings that have been exchanged are the exclusive province or exclusive material of this negotiating record. That becomes very significant, because where there is a writing there is a writing. Where there is not, there is a record of the conversations and the negotiations.

Senator LEVIN. It is our notes of those conversations, right? To be very technically accurate, there is not a record of it; there is our notes of it.

Senator WILSON. There is not a transcript of it. And obviously, if you are looking at quality, comparative quality of evidence, an agreed upon written exchange is the highest. A memorandum of a conversation or negotiation is next, and that which is entitled to the least credence are unilateral representations made thereafter.

Now, that is of critical importance, obviously, because if you want to see this treaty adopted, if you want to see it ratified, one of the major threats to it, I will state right here and now, is what is proposed as the so-called Biden-Pell reservation, which is going to seek to establish a very different proposition.

And that is that treaties are to be interpreted, not by resort to the text and the negotiating record, but rather by representations made by administration spokesmen during our process of ratification.

Senator LEVIN. And the text.

Senator WILSON. And where you have a problem with the text that requires clarification or interpretation, the question really, to put it in its simplest terms, is which is the better evidence, the negotiating record or the representation of the spokesman?

I would submit to you that where the negotiating record is consistent with the representation of the spokesman, you have got a pretty clear case. And the Biden-Pell proposition, very candidly, has much less to do with the INF Treaty than it does with the ABM Treaty, and that is why we are going through this exercise, to establish what in fact is the more important, the more persuasive evidence of what actually transpired.

We are doing it in the context of this treaty, but that reservation has much less to do with this treaty than it does with the treaty in 1972.

Senator LEVIN. If you would yield on that, I would phrase it differently, to say that we are proceeding to avoid repetition of that problem without solving that problem, is the way I would phrase it. And the way we are avoiding a repetition of that problem is making it very clear exactly what it is that this process consists of, and what we have a right to rely on and what we are relying on.

And frankly, I wish we never saw a negotiating record, because I think it is going to chill negotiations, unless we had some real reason to see a negotiating record, in which case we ought to be shown it.

But I would much rather rely on our negotiators' representations for domestic law as to what was said and what was understood in case of any ambiguity in the treaty than I would to go back into the notes, their notes of conversations which took place, for a number of reasons, not the least of which is that the next time that Ambassador Glitman negotiates and says, we have got to have this thing because it is absolutely critical to any sensible position or this thing will never get ratified unless we do get it, he is going to think twice before advocating that strongly, because somebody is going to dig up in the negotiating record during the ratification proceeding that statement of his and slam it right in his face during the ratification process.

What we are doing is tieing the hands of our negotiators in the future, because we are saying you cannot advocate strongly, because if they do it is going to be used against them during the ratification process if they do not achieve it.

That is the fear I have of dragging up those 12 volumes. I think we are much better off in any event—I do not think we ought to resolve, nor can we, the ABM issue here. We can avoid a duplication of the ABM issue here.

And if you will forgive one more intrusion on your questioning, this is a statement of Judge Sofaer's. Let me just quote this for what it adds to the debate. He is making reference here to certain MEMCONs, memoranda of oral conversations, and he says the following:

> Objection can be made to reliance in this analysis on the internal conclusions and deliberations of U.S. negotiators. Evidence of this sort is not strictly speaking part of the negotiating record and would be given little or no weight in a court or tribunal. This observation is true, however, only with respect to the use of one side's internal deliberations to establish that the other is bound by a certain rule or interpretation.
>
> The materials are a proper and probative source of guidance for determining what the U.S. negotiators believed was unclear or the positions that they felt had not been accepted by the Soviets.

Senator WILSON. What that means, Mr. Chairman, if I may say so, is not that the negotiating record is not good guidance, but that subsequent statements seeking to interpret that negotiating record, unilateral expressions even by the negotiators, are not nearly as valuable as the written memoranda of those conversations of the negotiations that took place at that time.

Senator LEVIN. I think what he is also saying is that the memoranda of those conversations being one-sided and not exchanged, are not strictly part of the negotiating record, either.

Senator WILSON. No, I do not think so.

Senator LEVIN. We can find out.

Senator WILSON. I do not think so, because if you pursue the logic of that statement then there is no negotiating record.

Senator LEVIN. It depends how you define it. By the way, I do not think we ought to get involved in a long definition of what is in the negotiating record. I think that is negotiating history. It obviously involves a lot more than documents which are exchanged, and I accept that as being part of the definition of the negotiating history.

I am just quoting Sofaer, who says there is kind of degrees of what is useful in court. And he is saying that exchanged materials are obviously the most useful, and things which are in our record but not in their record because they never were exchanged are a lot less useful in a tribunal than the ones that are exchanged.

Senator WILSON. What Judge Sofaer is saying there—and I think this is an important point and an important distinction—is that written memoranda of conversations, of negotiations between the U.S. and Soviet negotiators, are one thing and a thing entitled to credence, whereas the unilateral expressions by a negotiator, not a record of discussions with the Soviets but simply his unilateral conclusion, is a very different matter.

Senator LEVIN. Except that he is referring specifically to about 10 MEMCONs, and he is saying——

Senator WILSON. If those, if I am not mistaken, are with reference to Mr. Rhinelander's MEMCONs that were not taken as records of what transpired at the time, but they are interpretations and his conclusions after the fact——

Senator LEVIN. I do not think so. We can go look them up, but I do not think so. I think these are memoranda of conversations that he is referring to. We can look it up. It is on page 80 of the Sofaer analysis.

Senator WILSON. Well, Mr. Chairman, let me just say that, with the greatest respect for the wish that you have expressed and with the greatest respect for you, I do not think we have that option. We are compelled to be concerned about what the negotiating record provides in this treaty and in any subsequent treaty and in the treaty that has caused all of the controversy, the ABM Treaty.

And it would be nice if we could separate the two. But as you are aware, Senators Biden and Pell propose to bring a reservation that really does not relate to the substance of this treaty. It does relate to process and to the means by which the Senate is going to be guided and in fact the United States bound as to interpretation of treaties in the future, as well as, I gather, retroactively with respect to the ABM Treaty.

Now, if they wish not to raise that controversy, in accordance with your wishes, then they will not in fact come forward as they propose with that reservation. But if they do, we are inescapably plunged into that thicket.

Senator LEVIN. At least for this treaty, we have got to decide whether or not what the Ambassador and others are telling us now is in fact something we can rely on in understanding this treaty. That is the issue. We have to incorporate by reference all of the documents that are inside those 10 volumes.

Anyway, I do not know that we want to get into that this afternoon. We can go all afternoon on that.

While I have interrupted you, though, Pete, I will go right back to you. I am not going to have time, Ambassador, this afternoon to stay much longer, but there were a number of questions which you were asked about cruise missiles in the letter which Senators Quayle, Wirth, and I sent to you on March 3.

I believe you have addressed questions 1 through 4 and questions 13 through 15. Would you in the unclassified record at that hearing that we had before or some other unclassified record give us the answers to questions 5 through 12?

I do not want them now, but what I am asking for is would you give us written answers to those questions 5 through 12 as part of the record of the unclassified hearing? Okay.

Ambassador GLITMAN. I am just going to give them a quick glance to make sure they can be done.

Senator LEVIN. If they cannot be, then just do not answer and send us an explanatory letter.

Senator WILSON. Mr. Chairman, you are to be mercifully spared, as well as these distinguished witnesses who have suffered so long at our hands. I cannot remain myself.

I want to thank Ambassador Glitman and Ambassador Woodworth and General Partlow and Colonel Wheeler for your great patience and the tremendous assistance that I think you have been.

And I thank you, Mr. Chairman, for your courtesy and indulgence. I think again, as I began, that this is not just worthwhile; I think it is vital. And I would have to disagree with my good friend the chairman in his concern that future negotiations will be chilled by the examination by the Senate of negotiating records. It may have some chilling effect for a while.

The same thing was said once about doing business in public. All sessions of the Congress used to be closed. All sessions of State legislatures used to be closed. Then some sunshine laws came along and we did not stop functioning.

And the idea that something is going to be held up in the face of this may not make their life easier. On the other hand, I think we have had one dramatic demonstration of the necessity for the Senate to see the record as well as the text of the treaty, as well as to listen to the representations of the administration spokesmen.

In this case, I am satisfied, and I was before there was a treaty and after it was signed, the representations which would be made would be consistent with that negotiating record, because I have a very high regard for the people involved.

But I think it is a necessity that we have the ability to determine the consistency between the record and the spoken representations.

Thank you, Mr. Chairman.

Senator LEVIN. I would just quickly comment that the television that is in the Senate does not come into our negotiations when we get involved in negotiations. I would hope the negotiations in Geneva would never be televised.

Senator WILSON. I think I could go along with that.

Senator Levin. And negotiations are still privileged in court, I will tell you. Settlement negotiations are still privileged. They are not something you can make reference to, and there is a reason for that privilege. It is to protect free exchange and to protect advocacy. Otherwise, as a lawyer I would hate to have my comment read about some of my negotiations on a case, when I tell the other guy I have got to have $100,000 or there is no way that I can recommend this case be settled, when as a matter of fact my client will take $70,000.

Now, we all do that as lawyers. We all advocate in negotiation. But if my client ever heard me say, I have to get $100,000 or there is no way I can ever recommend it, he would say: Wait a minute, you told me that we ought to take $70,000.

A lot of that advocacy goes on.

Senator Wilson. No, because as a good lawyer you would have counseled with him before and said, this is what I am going to do.

Senator Levin. That may be, that may be true. As a good lawyer, I may do that. But I may not always do that. I may go beyond in my advocacy with my opponent what my client knows. I think that is part of being a good lawyer, too, to achieve what my client has authorized me to achieve. You have got to ask for a lot more and argue a lot more strongly sometimes.

Did I persuade you?

Senator Wilson. You are a good lawyer.

Senator Levin. In that case, get the Sergeant at Arms and throw him out of the room. We have a Sergeant at Arms for both purposes, both to bring in and throw out.

Senator Wilson. You will not need him. I am leaving.

Senator Levin. Well, Senator Quayle, back to you. I am going to have to leave here in a couple of minutes, so you will have it. Senator Nunn will be back. If I could leave you alone here.

Senator Quayle. We will try not to distort the record too much.

I want to focus on the weapons delivery criteria. Did we ever think about getting a precise definition of what a weapon is? Was that ever brought up?

Ambassador Glitman. We did not discuss what a precise definition of a weapon is. [Deleted.] I am not sure that there was a felt need for that. I am not sure there is.

Senator Quayle. So we define cruise missile and ballistic missile, but we never attempted to define what a weapon is?

Ambassador Glitman. I think that there is such a common understanding that a weapon is something that destroys.

Senator Quayle. A weapon is something that destroys, okay.

Ambassador Glitman. Or creates damage if it does not destroy.

Senator Quayle. If you have an RPV or a cruise missile that would be used as a surveillance platform for reconnaissance, that would loiter and would seek out air defense radars or command and control bunker antenna, and then would actually fly toward that target, but not having an explosive warhead on it, and has the potential of colliding with that target, is that a weapons delivery system?

Ambassador Glitman. That is question 12 in this list, and I hope we can cross that off. That is fine. I am just saying do not expect an answer to question 12 in writing because I am going to give it to you now orally.

The key is, of course, in the question you asked, whether it was armed or unarmed.

Senator **Quayle**. Do we use armed or unarmed or weapons delivery?

Ambassador **Glitman**. Weapons delivery is the point I want to make. So whether it is armed or unarmed is not the issue. It is weapons delivery.

Senator **Quayle**. I am not focusing on question 12. I am focusing on weapons delivery criteria.

Ambassador **Glitman**. So weapons delivery indeed is the correct criteria. And it is a weapon if it destroys or damages by collision. You could have a kinetic energy weapon, and in effect what you have defined here or described here is a weapon that damages or destroys by kinetic energy, like an old-fashioned cannonball in a way. It does not explode when it hits, but it makes a big hole.

Senator **Quayle**. If you have a laser on there, would that be a weapons delivery?

Ambassador **Glitman**. It depends what you do with that laser.

Senator **Quayle**. Well, if you——

Ambassador **Glitman**. If you took that laser and used it as a weapon to destroy or damage, then you have a weapons delivery platform.

Senator **Quayle**. So you would use it perhaps——

General **Partlow**. [Deleted.]

Ambassador **Glitman**. But that laser is an RPV laser.

General **Partlow**. That is not a weapon. It is an illumination device.

Ambassador **Glitman**. But if you used a laser to burn a hole through the target, to damage or destroy it by that action, then it would be a weapon.

Senator **Quayle**. If you use a laser to do any kind of damage, that would be a weapon. How can you tell the difference on a laser that you would use to home in and for guidance, rather than the one that would go down and inflict some damage?

Ambassador **Glitman**. The effect of the laser, what it did.

Ambassador **Woodworth**. It caused damage.

Senator **Quayle**. How can you tell this? I am talking about what kind of a laser would be not weapons delivery and what type of a laser would be weapons delivery.

Ambassador **Glitman**. You would have to tell by testing and by the results of testing.

Senator **Quayle**. Can we monitor that?

Ambassador **Glitman**. I should assume that at some point we would be able to determine whether a system had performed that. But I leave that to the intelligence community.

Senator **Quayle**. Can we monitor that, whether a laser is weapons delivery or is going to inflict damage or not?

Witness. [Deleted.]

Senator **Quayle**. [Deleted.]

Voice. [Deleted.]

Ambassador **Glitman**. Would you stand up and identify. You are giving the intelligence community——

Witness. [Deleted.]

Mr. Walpole. Bob Walpole from INR.

[Deleted.]

Senator Quayle. My interest is two-pronged, not only what they could do, but what we are going to be restricted from doing. And if we go out there and we want to use laser and we say, no, we are using that for targeting and acquisition and not destruction, I would say, well, you cannot verify the difference between that, and they can make claims and you can say that is what it is for, but we know it is for something else, and therefore it would be prohibited.

And this is what I am trying to elicit, what our clear understanding on this whole future business is. I am concerned about what the Soviets may do, but I am also concerned about how we are going to be restricted. As a matter of fact, I am really more concerned about how we are going to restrict ourselves, because I think that is my interest.

Ambassador Glitman. It seems to me, Senator, that if we develop the type of weapon that you are describing and General Partlow has already described, that is to say a laser platform for illuminating, and it exceeds 500 kilometers, it is ground-launched, and it is a cruise missile, it fits all of the definitions except weapons delivery, that we would be able to proceed with that weapon—with that system, which is not weapons delivery.

[Deleted.]

If it is going to be struck by artillery, I do not think its range is going to give us any difficulty.

Senator Quayle. Is artillery—would that be a ballistic missile or a cruise missile?

Ambassador Glitman. Not under the treaty.

Senator Quayle. Is artillery a ballistic missile or a cruise missile?

General Partlow. It follows a ballistic trajectory. It is not a ballistic missile.

Senator Quayle. You are saying artillery could in fact be considered a ballistic or cruise missile?

General Partlow. Not cruise. It follows a ballistic trajectory.

Senator Quayle. Is it a ballistic missile in accordance with the treaty?

Ambassador Glitman. We do not have an artillery piece that can shoot 500 kilometers.

Senator Quayle. If we shoot an artillery piece 500 kilometers, are we precluded under the treaty? We are?

Ambassador Glitman. It is not self-propelled. But let us check the definition.

Senator Quayle. It is not self-propelled, so it is not—certainly an artillery shell is not considered a ballistic missile, is it?

Ambassador Woodworth. A missile generally has a motor.

Ambassador Glitman. It means a missile, ballistic missile means a missile, where an artillery shell nobody would say is a missile.

Senator Quayle. So an artillery shell is not covered by this treaty under any circumstance?

Ambassador Glitman. I would say not. It is not a missile.

Senator Quayle. I thought I heard you say that it was.

Ambassador GLITMAN. I was looking at something else and I was withholding until we got expert advice. Not in my terms and not in military terms. It says right here it means a missile.

I do not believe anybody would consider an artillery shell to be a missile.

Senator QUAYLE. How about rocket-assisted artillery shells?

General PARTLOW. Again, if it is a projectile instead of a missile, then I would defer to what Ambassador Glitman said. And if it is rocket-assisted, it would still be a projectile.

Senator QUAYLE. So a rocket-assisted artillery shell would still be in the definition of projectile and therefore would not be covered by the treaty, is that correct?

Ambassador GLITMAN. I think that is right.

Senator QUAYLE. That is correct.

Ambassador GLITMAN. Run it by me once more so I understand what you are saying?

Senator QUAYLE. A rocket-assisted artillery shell, since the shell would be considered a projectile, it would not be covered by this treaty?

Ambassador GLITMAN. I must say, Senator Quayle, that I never cease to be amazed by the number of systems that you seem to be aware of.

Senator QUAYLE. Well, they are looking at these things over at DARPA. You know, this boost-glide vehicle—I was curious. The Atlantic Council that you have referred to a number of times—have you ever heard of Leonard Sullivan? Do any of you know who Leonard Sullivan is? No?

Chairman NUNN [presiding]. I know who he is.

Senator QUAYLE. He wrote a very long article that was just in the Armed Forces Journal on the boost-glide vehicle. The thing has been around for a long while.

Ambassador GLITMAN. They canceled my subscription.

Senator QUAYLE. You are not expected to know everything.

Ambassador GLITMAN. I was not joking. I wanted it and they never sent it. I guess I should have kept it up.

Senator QUAYLE. Okay, so the laser, if it destroys the target it is out. So in other words, that TACIT RAINBOW that I brought up, that is precluded by this treaty, right?

Ambassador GLITMAN. As you described it, it was a ground-launched—you described it here——

Senator QUAYLE. Let me describe TACIT RAINBOW. TACIT RAINBOW is a real program. Is that in or out?

Colonel WHEELER. Senator, I can speak to that. [Deleted.]

Senator QUAYLE. Wait a second. I thought that at the last hearing that we had that Ambassador Glitman said that if in fact it would be tested or flown, an air-launched over 500 kilometers, and it was the same missile——

Ambassador GLITMAN. Ground-launched.

Senator QUAYLE. Let me go through the hypothetical that I gave you. We were actually talking about sea rather than air. We said that if you launched the missile at sea, weapons delivery and as a cruise missile at sea, and it was in the INF range, that you could do it at sea. But if you took that same missile and deployed it on the ground, it would be prohibited.

Colonel **Wheeler**. [Deleted.]

Senator **Quayle**. So you are talking about a new type?

Colonel **Wheeler**. [Deleted.]

Senator **Quayle**. How much difference is the air-launched between the ground-launched TACIT RAINBOW? Is it a big difference?

Colonel **Wheeler**. I think I would have to take that for the record, Senator.

[The information follows:]

Colonel **Wheeler**. The TACIT RAINBOW program includes both an air-launched and a ground-launched missile. The Air Force is the executive manager of the contract for both versions.

Both missiles will be powered by a turbojet engine and deliver a conventional warhead against enemy radar emitters. The air-launched version is a joint Air Force-Navy program. The missile is capable of being carried by the B-52 and several Air Force and Navy fighter aircraft. It will be carried aloft to a launch point, fly to a designated "loiter" area and, at the programmed time, switch on its seeker. It will then detect and home in on enemy radar signals. [Deleted.] The program is currently in full scale development, with the first production delivery scheduled for October 1990.

On January 8, 1988, requests for proposals were released to contractors for a ground-launched version of TACIT RAINBOW to be employed by the Army and possibly the Air Force. Specifications for the missile include that it be compatible for launch from the MLRS and meet Army payload requirements. Design of the system will ensure that the straight-line range capability will be less than 500 kilometers. Specific design tradeoffs to achieve these specifications and maintain maximum commonality with the air-launched variant are being addressed during this phase of development, therefore, precise differences between the air-launched and ground-launched versions, other than range, are not yet known.

Ambassador **Glitman**. In any case, I thought the last time we discussed it we were dealing with a missile that went over 500 kilometers and struck a target. [Deleted.]

Senator **Quayle**. I would say——

Ambassador **Glitman**. [Deleted.]

Senator **Quayle**. I would say that that is close to TACIT RAINBOW. And you are saying that TACIT RAINBOW, if in fact deployed on the ground [deleted] we are prohibited from doing that?

Colonel **Wheeler**. If it were [deleted] that is my understanding, yes.

Senator **Quayle**. So that is prohibited by the treaty? It is a category of system that would be actually prohibited?

Chairman **Nunn**. May I ask to clarify the question here? TACIT RAINBOW as I recall is an air-launched system.

Colonel **Wheeler**. [Deleted.]

Chairman **Nunn**. Thank you.

Senator Quayle.

Senator **Quayle**. If you had an RPV that was up there to use for surveillance and that also had jamming capabilities, that was able to jam radars and render them inefficient, would that be a weapons delivery?

Ambassador **Glitman**. I would say not. It does not damage by collision.

Senator **Quayle**. It does not damage by collision, but it damages by jamming.

Ambassador **Glitman**. It did not destroy anything. It prevented something from working.

Senator QUAYLE. What if you used microwave and you destroyed capability by microwave? And the Soviets are using a lot of this. Is that a weapons delivery?

Ambassador GLITMAN. We are talking now about a missile, a drone or RPV, and it has got some kind of a device on it that shoots out microwaves and cooks something, I guess, and in the process of cooking it either drills a hole through the object——

Senator QUAYLE. Renders it dead so it cannot function. It renders it so it cannot function, the microwaves, the same way as with some laser capability or jamming. You render these things nonfuctioning.

Ambassador GLITMAN. That is getting awfully hypothetical.

Senator QUAYLE. It basically overloads the circuit.

I just think we need to sort of have some clarification. We are getting into these things. I mean, our Department of Defense is getting into these very things I am talking about. I am not just pulling these things out of the air. And so are the Soviets.

I mean, the whole microwave business, we have had some hearings on that capability. And they basically overload the circuit and it cannot work, and that destroys it. And that is what I am trying to gather, what we are precluded or not precluded from doing under this treaty.

Who do I ask to get that?

Ambassador GLITMAN. Well, you are asking us for another definition. Basically, is that a weapons delivery system; that is your question, is it not?

Senator QUAYLE. That would be the criteria, because I would make the argument that a traditional weapons delivery system in my way of thinking is you have got a warhead of some sort on there. It goes in and destroys the target.

But now that you have said that TACIT RAINBOW, it does not have a warhead on it, but since it has the capability of colliding——

Ambassador GLITMAN. It is a weapon. It becomes a weapon.

Senator QUAYLE. That is a different definition than the traditional definition of what I think of as weapons delivery system. Weapons delivery is not defined in the treaty.

You are giving me your definition of it, which I presume is the understanding that the Soviets have, too. We do not have this kind of definition in the treaty, and if we are going to sit there and define something that has the capability of colliding as a weapons system we are going to get into some new definitions of weapons delivery.

So I am simply saying, let us look at jamming, let us look at microwaving, let us look at laser. I mean, these types of things are ongoing projects that we have got, and that has the capability to render these things—to in essence destroy them, but in a different context, and I do not think it is in the traditional context of a weapons delivery system. And that is what I am trying to get out of you.

Ambassador GLITMAN. But there is an intent. I think we are working with intent. I do not like working with intent, but I am going to have to in this case because we are dealing with hypotheticals.

Senator **Quayle**. No, we are dealing with ongoing programs.

Ambassador **Glitman**. But at the moment they do not exist and we do not know whether it is going to be 500 kilometers or not, whether it will be airborne, seaborne, or ground-launched. We do not know what its platform is.

We know we have no problems if it is under 500. We know we have no problems insofar as this treaty is concerned if it is over 5,500 and if it is air or sea launched.

Is there an intent to damage? Is that what the purpose of that system is? And I think as you have described it, any one of these things, there is clearly intent to damage. This microwave that you have described is built to damage. It is one thing if you jammed somebody's system, but this system that you have described—well, it is a different kind of damage. That is interference, I would say, with the signal. We are really getting into——

Senator **Quayle**. What I am really telling you, this stuff——

Ambassador **Glitman**. But anyway, jamming does not damage the transmitter. It is an interference with the transmitter's activities. But what you have described now is a system which is designed, which is intended to, and which will in fact have the capability to damage the transmitter. This particular microwave you have described goes down and follows some beam and zaps the transmitter or whatever, the electronic device.

So in that sense, it is no different than a bomb, because in that sense it has created damage. It has destroyed by physical activity a target. So there is a target. The target in this case, [deleted] you just blew it up, whether you blew it up with a bomb or whether you blew it up with a microwave or whether you blew it up with a laser.

You have either destroyed or damaged it. That was the intent, and it was treated as if it were going after a target.

Senator **Quayle**. So in other words, by that definition you basically would rule out all of these emerging technologies that deal with microwaves, that deal with different types of jamming, that have any kind of capability to render a system——

Colonel **Wheeler**. Not necessarily, Senator. You are of course talking [deleted].

Senator **Quayle**. I am talking about just the weapons delivery, where you are going to define this as weapons delivery.

Ambassador **Glitman**. Senator, I am really very uncomfortable, frankly, in sort of off the top of my head getting involved here and giving you definitions about futuristic systems you seem familiar with but which are unknown to me.

It really is not fair to this committee or to the administration for me to pursue this any further with you. You can take those as my own personal definitions, but I cannot say that I speak authoritatively on this.

Ambassador **Woodworth**. Could I add one thing on this, Senator too. In all cases when we are looking at technologies of this kind, judgments and interpretations would be required because we are looking at things that are in effect new, so by definition judgments have to be made. There are mechanisms in the Department of Defense for examining these kinds of things, both for ensuring that our programs are compliant and that our actions are compliant.

Senator **Quayle**. Mr. Chairman, I wonder if it would be appropriate if we could get a formal written response on these toxic weapons or emerging technologies, whether they would or would not be compliant, and also our ability to monitor and to have some verification on these types of technologies that we have or I know that we have, and particularly the Soviets in the microwave capabilities.

Would that be practical to do?

Chairman **Nunn**. That is what we asked them to be prepared to be able to do today. I do not know where we go from here. These are the authoritative people on the subject.

Ambassador **Woodworth**. Senator Quayle, you have written Assistant Secretary Lehman with some questions of this kind, and an answer to your letter is being prepared. And I myself would not want to try to answer those specific things in particular, because something, a more formal response, is in preparation.

I wonder if we might look toward responding to, if not all, at least some of the questions, the questions at least that you raised in your letter, in our response, and let us see how that does.

Chairman **Nunn**. I feel like deja vu all over again with this question on futures. Scoop Jackson sat right here in 1972 and went into the question of futures. The negotiators could not answer the question on some of the examples, so he got Johnny Foster up here, who was head of R&D then.

Foster said he would go back and look at the record. He went back, researched the record and came back and gave an explicit answer to the futures question. Then Judge Sofaer said he was not one of the authoritative witnesses.

Senator Quayle, when you get your answer and it is not any of these people, you have to ask what kind of answer you are getting.

Senator **Quayle**. What I would like to do—and I did send that letter over some time ago——

General **Partlow**. February 26.

Senator **Quayle**. Not too long ago. I thought I sent it before then. But I would like to maybe work with you to sort of identify some of these emerging technologies, and as a committee. I just did that for myself to see what their answer was going to be, and was trying to work the system a little bit to try to get some answers that I wanted to see coming over.

As you can see, I have not been terribly successful at that. But I wonder if, as far as the committee—you know, I will give you some of the things we have here. You have worked out some of these things yourself, and it might be helpful for us and in our committee report—and you know, this is going to be declassified, as much as we can declassify—to try to go beyond that.

Chairman **Nunn**. I think you are right. To all of you it is futures, but to us it is things we are funding right now. A lot of this information is very highly classified, and we have to be careful. I guess we are not cleared for a lot of things right here.

But I do not know how much, Mr. Ambassador, you and your whole team have been briefed on some of these exotic programs. We do not know.

General **Partlow**. Could I just make an observation Ambassador Glitman made before, that we did not know the word hypersonic glide vehicle. It was not made aware to us. The so-called black programs are black because they are not shared, and I for one will opt out on being an authoritative witness on a black program upon which I have never been briefed.

Chairman NUNN. I think you are right. We are caught in a never-never land here. I suggest that staff get together with Senator Quayle's staff and let us see if we can find some process by which we get the people who are working on futures up here.

Senator QUAYLE. If we could put it down, it will not be an exhaustive list or exhaustive questions. At least my desire is to get it as general as possible. But I want to have some sort of idea of what we really are talking about in futures.

I mean, that boost-glide, that was not a black program. That was a white program. But I do not want to get into that. And we still do not have an answer on whether that is a ballistic missile or a cruise missile. I do not think it is either, but I guess we do not have an answer on that.

Ambassador GLITMAN. But that tells you something right there, does it not, Senator? [Deleted.]

If I may, Mr. Chairman, just to get back to the question of what is weapons delivery, inside the legislative letter of transmittal—the article by article analysis, excuse me, weapons delivery is in fact defined. It says at least in here, that is flight tested or deployed with any type of warhead device or simulation thereof. And that same point is used for both ballistic and cruise.

Senator QUAYLE. The warhead, see. That is my——

Ambassador GLITMAN. Or simulation thereof.

Senator QUAYLE. Simulation of a warhead, but what does that mean?

Ambassador GLITMAN. Again, my sense I have given you. But that is my personal view of what that would mean.

Senator QUAYLE. The thing is, your personal view, which I think in my own personal judgment you have a very restricted view of that, and that may be where we come out. I hope that we do not, and I hope that it is a broader view than the more traditional of what a warhead is as we get into some of these futuristics, particularly with the drones and the RPV's, and be able to have microwave and things of that sort.

I mean, these are all coming into the future and I think we are possibly going to run the risk, even though you tried to delineate it, on jamming. I mean, I think we are going to get into different types of jamming that could in fact burst the system of our target and that would be a weapons delivery system.

Chairman NUNN. Senator Quayle, let me add for the record that more has been done on this than I had understood, and I think you and I both could be brought up to date.

We will continue to work next week with you. Some things have been answered in another hearing, on some of the black programs. We cannot go further into it at this stage, but some of these things have been answered.

General PARTLOW. Could I make one clarifying point, just so we do not have a miscommunication here? "Or simulation thereof" in that statement that Ambassador Glitman just read really does not directly relate to what you have been talking about, Senator Quayle.

We do not, as you recognize, test as a matter of course these systems with actual warheads on them. So they have to have some sort of simulation device in them that approximates the warhead they would be carrying. So that is what "or simulation" means there.

Senator **Quayle**. See, my point is what "warhead"—and that is what I think to be a traditional weapons delivery system. Warhead is a warhead, and we know what it is.

General **Partlow**. I understand your point. But "or simulation thereof" in this context is not a euphemism for some kind of other exotic device. It is simply something that is put in there to allow the system to be tested.

Senator **Quayle**. But Ambassador Glitman's definition of warhead or weapons delivery is a very, very broad, if I might say, a very, very broad definition, as you have given it here today.

He says that is his personal opinion, and we will work together, and maybe there is information.

Chairman **Nunn**. We can discuss it right after this hearing, and then go from there next week and work together on it. You are raising some very important points, and I think it would be of benefit to have as many of these answered as definitively as possible.

Let me ask one here and then I will yield right back to you. Are you ready to go?

Senator **Quayle**. I am about finished, Mr. Chairman, but go ahead.

Chairman **Nunn**. Article 14 provides that the parties shall "not assume any other international undertakings or obligations which would conflict with the treaty." There has been concern that article 14 might be interpreted as a noncircumvention clause, as you well know, that would prohibit us from undertaking assistance to Allied programs that are not specifically prohibited by the treaty. This question is raised in part because of the word "undertakings," which did not appear in the SALT II Treaty observation clause and that had been inserted in this treaty, raising an issue as to what sort of undertakings would be prohibited.

In your testimony on February 23, you told the committee that the word "undertakings" referred to a formal act, such as the Helsinki Final Act, and that in drafting the treaty the words "obligations and undertakings" were intended to be as synonymous as possible, using your words, "as synonymous as possible."

[Deleted.]

Ambassador **Glitman**. We would go to the conclusion of the negotiations of the night of December 6, where we argued this thing out in terms of getting the Russian [deleted].

Chairman **Nunn**. Your statement on February 23 that obligations and undertakings were intended to be "as synonymous as possible" is correct?

Ambassador **Glitman**. Absolutely, Senator. That was my aim immediately after that word was introduced.

Chairman **Nunn**. That would supersede and take precedence over the MEMCON of November 17, 1987 [deleted].

Ambassador GLITMAN. That is correct. It was my effort to do just that. From the date of November 17 until December 6, I worked very hard to ensure that the word "undertakings" got defined in the most formalistic way that I could get it.

[Deleted] "Acts" in this form is the equivalent to the Helsinki Final Act. That was on the night of the 6.

Chairman NUNN. So the night of the 6 supersedes the February 23d and takes priority [deleted].

Ambassador GLITMAN. That is correct.

Chairman NUNN. Thank you.

Senator Quayle.

Senator QUAYLE. Let me just make sure we understand the definition of ground-launched criteria. If they would, say, launch a cruise missile from say an air cushioned vehicle, small platform patrol boat that was in a river, would that be considered sea or ground?

Ambassador GLITMAN. Or air.

Senator QUAYLE. Oh, air cushion, all right. Or a patrol boat in a river. I am thinking of rivers. Is that ground-launched?

Ambassador GLITMAN. I would be inclined to say that that would fall under sea-launched, having ridden on those things. They sort of go on land and collapse, if I remember correctly. In fact, the one we were on did collapse and had an accident.

But it is essentially seen as a maritime vehicle.

Senator QUAYLE. So since it would be a maritime vehicle, it would be considered to be sea-launched, and therefore you could go ahead and not include it in this treaty?

General PARTLOW. If the launcher from which it was launched was identical to a launcher—in other words, if you took the ground launcher, put it on a barge or a boat, and you used that mechanism, it would be prohibited because the launcher would be prohibited by the counting rules in Article 7.

Senator QUAYLE. But if it would be a new type of launcher?

General PARTLOW. Then the answer that you got here is the best we have.

Senator QUAYLE. It would be a new type of launcher and you put it on a barge. That would be okay? But we define new type as something that is distinguishable. How do we define "distinguishable"?

Ambassador GLITMAN. I think the word defines itself. You have to be able to tell the difference. We have got the photographs, we know what the launchers look like.

Senator QUAYLE. If they change the length of it by 10 percent, is that distinguishable?

Ambassador GLITMAN. It certainly would be distinguishable if it were longer. But I think you—remember, they cannot produce anything. They cannot produce a ground launcher.

Senator QUAYLE. They are going to produce it for sea.

Ambassador GLITMAN. [Deleted.]

Senator QUAYLE. You could have a launcher at less than 500.

Ambassador GLITMAN. Yes.

Senator QUAYLE. So you make a launcher to go further. You get into what kind of confidence do you have that the launcher is going to be used to launch something just 500.

Ambassador **Glitman**. Again, you are getting down to the question of whether they can establish an entire force, covert force, using below 500. We are back to not so much what the launcher could not do, but whether the missile can go 500.

So we are into the point of whether they test it above 500. Then they are captured. If they only test it below 500, there is a lack of confidence that it would function beyond 500.

Senator **Quayle**. If they tested at sea, they are okay?

Ambassador **Glitman**. If the missiles and launchers stay at sea, it is all right.

Senator **Quayle**. And at sea? If it was deployed in rivers, that would be considered at sea, correct?

Ambassador **Woodworth**. [Deleted.]

Senator **Quayle**. [Deleted.]

Ambassador **Glitman**. [Deleted.]

Senator **Quayle**. Either one.

Ambassador **Glitman**. [Deleted.] It seems to me you would have grounds for a compliance issue right there.

Senator **Quayle**. You think that may be considered a ground?

Ambassador **Glitman**. Yes. I am just saying I think that is an issue that would have to be looked at on a case by case basis.

Senator **Quayle**. I thought you just said that would be considered sea.

Ambassador **Glitman**. We were talking at that point, you know—and that is the trouble with these hypotheticals, what if's. You have one thing in mind and I have another. [Deleted.]

Senator **Quayle**. I have said rivers all along.

Ambassador **Glitman**. [Deleted.]

Senator **Quayle**. Some of those things that are on there, put a cruise missile on it. Is that ground-launched or sea-launched?

Ambassador **Glitman**. [Deleted.]

Senator **Quayle**. [Deleted.]

Ambassador **Woodworth**. You deal with an issue like that on a case by case basis.

Senator **Quayle**. [Deleted.]

Ambassador **Woodworth**. You would have a compliance question for sure.

Senator **Quayle**. [Deleted.]

Ambassador **Woodworth**. The question would be raised.

Ambassador **Glitman**. The question would be whether it was covered by the treaty.

Senator **Quayle**. What is your opinion? Is it ground or sea?

Ambassador **Glitman**. I think myself that, given the nature of the systems, if they were—testing is really not as good an example as a force. We already have provision for testing from land systems such as SLCM's and SLBM's.

Senator **Quayle**. [Deleted.]

Ambassador **Glitman**. [Deleted.]

I think the answer has got to be case by case. [Deleted.]

Senator **Quayle**. I am just curious. As I said, every time we get all these four criteria back—ground launched, ballistic, cruise missile, weapons delivery, and the fourth one—my desire was to go in and try to break down these definitions.

Chairman **Nunn**. [Deleted.]

Ambassador **Woodworth**. [Deleted.]

Ambassador **Glitman**. [Deleted.]

Chairman **Nunn**. [Deleted.]

May I ask one question, Senator Quayle, and I have got to go.

Senator **Quayle**. I am done. I thank you all very much.

Chairman **Nunn**. Have you finished?

Senator **Quayle**. I have got a couple, but I am about one-half hour late to where I am supposed to be.

Chairman **Nunn**. I am going to ask one more question while Senator Quayle is here. Mr. Ambassador I do not know whether we will ever complete the total negotiating record review, but we have completed the part we thought was most important, and we will continue, unless something comes up we do not know about now, and it always could.

We may have to ask other questions, but it is not my intent to call you back. We have had everyone here with a chance to ask questions, and we have had a long and I think very productive hearing.

We have to bridge this gap between the futures and the negotiators, and the fact that the program manager may say, a weapon or program does not come under the INF Treaty does not necessarily mean that that indeed is authoritative. That program manager might know the program, but he might not know the treaty.

The treaty people may know the treaty and not the program. We have to find some way to bridge this gap. Senator Quayle will work with you on that, Mr. Ambassador.

We may need your help on that next week, but it would not be my intent to get back into session unless somebody—do you know of others?

Senator **Quayle**. I do not really think so on our side. I do not know.

I would just like to thank you all very much for your indulgence and patience and answers.

Chairman **Nunn**. Thank you, Senator Quayle. We will work with you next week.

Why did the Soviet Union reject elimination under the treaty of multiple bay garages for shorter range missiles? That is a question I had listed but did not get a chance to ask this morning.

Ambassador **Glitman**. I would be glad to get into that one. It was a difficult issue.

Chairman **Nunn**. Would you hold up for just a second.

[Pause.]

Excuse me, Mr. Ambassador. Please go ahead.

Ambassador **Glitman**. Did you mean to say shorter range? The question is written that way, but I am not sure it necessarily tracks.

Chairman **Nunn**. Why don't you ask the question the way it ought to be asked and then answer it the way it ought to be answered.

Ambassador **Glitman**. I think the question ought to be asked, why did they refuse to destroy or modify the multi-bay garages for SS-20 [deleted]. Because that was the issue we had with them. The answer is that they argue—in this case I think it is correct—that the multi-bay garages are not large enought to take SS–20 launchers.

It is true they could take shorter range missiles, but most of them are too far out of range for that to be valuable. But I think basically it was a question of money. [Deleted.]

So it all came together that way. I myself am very comfortable with that outcome. We will have on-site inspection rights of any of those multi-bay garages which are used for SS–25s, because we can go to those bases. And they are listed as facilities or buildings that are open for our inspection.

Chairman NUNN. The SS–25 will fit those?

Ambassador GLITMAN. The SS–25 is even bigger than the SS–20. [Deleted] we are keeping the GLCM hard shelter. [Deleted.]

Chairman NUNN. Can they use it for the SS–25?

Ambassador GLITMAN. They could use it.

Chairman NUNN. Legally, if it did fit?

Ambassador GLITMAN. If it did fit. But it will not. Legally, they could.

Chairman NUNN. They would not be barred from using the SS-25?

Ambassador GLITMAN. They would have to redesign the garage because it is too short for an SS–25.

Chairman NUNN. Mr. Ambassador, that completes my questions. We appreciate the job you and your team have done negotiating this treaty. You all have done not only a good job in that respect, but you have been very, very patient and thorough in the questions you have answered. We appreciate your patience. You and Ambassador Woodworth, General and Colonel, we appreciate your being here. All of you have done a good job.

Ambassador, one other matter. What about the questions that we are going to get for the record? Are we going to get back from you authoritative answers on those questions?

Ambassador GLITMAN. We expect to answer, and it is our intention to answer all of the questions which were asked us in writing and to respond in writing. The answers will be considered authoritative.

Chairman NUNN. Would they be considered just as authoritative as if we had asked you the question and you had answered it here at the table in front of the committee?

Ambassador GLITMAN. Yes, indeed.

Chairman NUNN. We have not asked questions for the record for any harassing purpose or delay purposes. I think you would agree with that. Every question we have asked has been one that we felt was a legitimate question. I hope you do not think we have tried to delay you and just thrown in a lot of extraneous questions, because we have not intended to.

Ambassador GLITMAN. Senator, I would like to end by saying that I appreciate the thoroughness with which this committee has gone into this treaty. I thought your questions were all germane and good. They were not always easy to answer, but they were all pertinent to what we were about. And I commend you and this committee on the manner in which you have conducted these hearings.

Chairman **Nunn**. Thank you very much. We appreciate your being here.

We will try to sort out this problem of connecting program managers and treaty people next week on the question that Senator Quayle raised.

Thank you very much.

[Additional questions for the record with answers supplied and information requested for the hearing record follow:]

QUESTIONS SUBMITTED BY SENATOR SAM NUNN

Chairman **Nunn**. Are we confident that there is no compatibility between air-launched and sea-launched cruise missiles (ALCMs and SLCMs) and land-based launchers for RPVs or other unarmed drones (other than fixed launchers at designated test ranges) such that ALCMs or SLCMs could not as a practical matter be launched from these RPV or drone launchers?

Ambassador **Glitman**. One cannot rule out such a possibility. However, if the infrastructure necessary for a militarily significant force were in place, we would in time be able to detect it. If it were not in place and visible, the force would not be capable of carrying out the key political intimidation role of Soviet INF missile nor, in all likelihood, would it be militarily significant.

Chairman **Nunn**. If the same type RPV is used for naval and land warfare roles and an RPV of that type is tested at sea as a weapons delivery vehicle, would all RPVs of that type then be banned under the treaty from any ground-based deployment?

Ambassador **Glitman**. Yes, if the RPVs were within INF range and presuming that "ground-based deployment" means that there are ground-based mobile launchers for such missiles.

Chairman **Nunn**. Would the land-based launchers for that type of RPVs then be subject to elimination under the treaty?

Ambassador **Glitman**. Yes, according to article VII, paragraph 7, the land-based mobile launcher for such deployments would be banned.

Chairman **Nunn**. If not, how confident would we be that we could verify that the sea-based RPV type now tested or deployed for weapons delivery could not be used in a breakout situation as a GLCM?

Ambassador **Glitman**. Since the answer to question 3 is "yes", no answer is required for this question.

Chairman **Nunn**. Can we distinguish between RPVs or drones which have been tested at sea as weapons delivery vehicles and ground-launched RPVs or drones which have not been tested or deployed as weapons delivery vehicles?

Ambassador **Glitman**. Of course, drones/RPVs that have been tested as weapons delivery vehicles no longer qualify as drones. Additionally, while one can never be 100 percent sure of individual missiles, a military significant force of missiles which would involve the testing, training and infrastructure associated with weapons delivery systems as opposed to reconnaissance systems would over time be detectable.

Chairman **Nunn**. With regard to article VII, paragraph 11, did we reach an understanding with the Soviet Union as to what, exactly, is required to make a permitted fixed, land-based, test-range launcher for ALCMs and SLCMs "distinguishable" from banned GLCM launchers?

Ambassador **Glitman**. Yes, both parties understand that the permitted launchers must be fixed and at test ranges and that they cannot be the same as treaty-limited launchers.

Chairman **Nunn**. Ambassador Glitman testified that if a sea-launched RPV or cruise missile were tested with a weapons system, then ground launched variants, including surveillance systems, would be banned by the treaty. If the Soviets, however, declared the ground-launched variant to be similar in appearance but not identical (i.e. a new type), wouldn't it be difficult to disprove that it was not permitted by the treaty?

Ambassador **Glitman**. This would be a compliance issue. One should keep in mind that if an RPV is tested with a weapons system, it must be considered a weapon. If it has a mobile ground-based launcher and infrastructure, it would be a GLCM if in the range bands covered by the treaty. The burden of proof would be on the Soviets to prove that it did not meet the criteria of tested for weapons delivery or ground-launched.

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington, DC, 22 March 1988.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During testimony on the INF Treaty before the Senate Armed Services Committee, on 18 March 1988, Colonel Wheeler, one of the JCS witnesses, gave classified testimony on the process followed and factors considered by the JCS in arriving at their recommendation to support banning conventionally-armed cruise missiles of INF range.

You subsequently asked Colonel Wheeler if the JCS could provide you with unclassified talking points on this issue. Pursuant to your request, I am pleased to be able to provide you the enclosed talking points.

Sincerely,

WILLIAM J. CROWE, Jr.,
Chairman, Joint Chiefs of Staff.

Enclosure.

JCS DECISION TO SUPPORT BANNING CONVENTIONALLY-ARMED, GROUND-LAUNCHED, U.S. AND SOVIET CRUISE MISSILES OF INF RANGE

JCS supported banning nuclear-armed GLCMs in this range.

In reaching their decision to also support banning conventionally-armed GLCMs of INF range, the JCS considered:

The military potential of conventionally-armed GLCMs (500–5500 km), and alternatives available to achieve the same target coverage and damage, including air- and sea-launched cruise missile options.

The importance of protecting ALCM and SLCM options in the START negotiations.

What the Soviets could do if they were afforded the right to deploy conventionally-armed GLCMs of INF range, not only for conventional but also chemical missions.

The fact that neither side had yet deployed a ground-launched, conventionally-armed cruise missile in the INF range band.

The verification difficulties that would be introduced if an infrastructure remained for GLCM operations, and the intrusiveness, cost, and problematic effectiveness of the verification schemes considered if conventionally-armed GLCMs were permitted in INF.

[Whereupon, at 4:38 p.m., the committee was adjourned.]

NATO DEFENSE AND THE INF TREATY

THURSDAY, MARCH 24, 1988

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

INF TREATY AND CRUISE MISSILES

The committee met, pursuant to notice, at 9:05 a.m., in room S-407, the Capitol, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Exon, Levin, Glenn, Wirth, Shelby, Warner, Quayle, and Gramm.

Staff present: Arnold L. Punaro, staff director; Carl M. Smith, staff director for the minority; Jeffrey H. Smith, general counsel; Christine C. Dauth, chief clerk; Gerald K. Bankus, Robert G. Bell, Robert F. Bott, Brian D. Dailey, John J. Hamre, William E. Hoehn, Jr., and Ronald P. Kelly, professional staff members; and Lori Jackson, staff assistant.

Also present: William J. Lynn, assistant to Senator Kennedy; Donald A. Mitchell, assistant to Senator Glenn; Terrence M. Lynch, assistant to Senator Shelby; Robert P. Savitt, assistant to Senator Cohen; Henry D. Sokolski, assistant to Senator Quayle, Mark J. Albrecht, assistant to Senator Wilson; and Anthony H. Cordesman, assistant to Senator McCain.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Chairman NUNN. The committee will come to order.

The committee meets to hold our 30th hearing on NATO Defense and the INF Treaty. Today's hearing will focus on the most difficult and troubling issues which have developed relating to the treaty. First, the ban on ground-launched cruise missiles of INF range and, second, the relationship of the treaty to the DOD special access programs and the question of futuristic weapons.

Senator Warner and I talked to Deputy Secretary Taft and Admiral Crowe about the need for authoritative testimony on these issues. The committee's staff director has communicated, in detail, to the Office of the Secretary of Defense the specific issues and questions we plan to cover at today's hearings. After discussions with the Department late last night, we agreed the best way to proceed will be to first take up the issue of the ban on conventionally armed ground-launched cruise missiles of INF range.

The key questions here are, why did the United States agree to the ban of conventionally armed ground-launched cruise missiles; and, what impact does this ban have on DOD requirements now and in the future? We are in closed session now, but I would hope that most, if not all, of the testimony in this area could be declassified later. I would request that the Department review the transcript of this hearing and that it be declassified as soon as possible, since this will be a key issue on the floor. There is no doubt that it will be a key issue in our committee.

For the hearing this morning, I will look to General Herres for the classification level in this respect.

Good morning, Mr. Lehman. I have just started outlining how we plan to proceed.

Ambassador LEHMAN. Mr. Chairman, I apologize for being late.

Chairman NUNN. No problem. Sorry to hear about your parents and hope to help expedite your situation this morning as much as possible.

Ambassador LEHMAN. I appreciate the consideration of the committee.

Chairman NUNN. I would like to insert in the hearing record this unclassified letter and point paper I received from Admiral Crowe March 22 on this issue.

[The information follows:]

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington, DC, March 22, 1988.

Hon. SAM NUNN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During testimony on the INF Treaty before the Senate Armed Services Committee, on 18 March 1988, Colonel Wheeler, one of the JCS witnesses, gave classified testimony on the process followed and factors considered by the JCS in arriving at their recommendation to support banning conventionally-armed cruise missiles of INF range.

You subsequently asked Colonel Wheeler if the JCS could provide you with unclassified talking points on this issue. Pursuant to your request, I am pleased to be able to provide you the enclosed talking points.

Sincerely,

WILLIAM J. CROWE, Jr.,
Chairman, Joint Chiefs of Staff.

Enclosure.

JCS DECISION TO SUPPORT BANNING CONVENTIONALLY ARMED, GROUND-LAUNCHED, U.S. AND SOVIET CRUISE MISSILES OF INF RANGE

JCS supported banning *nuclear*-armed GLCMs in this range.

In reaching their decision to also support banning conventionally armed GLCM's of INF range, the JCS considered:

The military potential of conventionally armed GLCMs (500–5500 km), and alternatives available to achieve the same target coverage and damage, including air- and sea-launched cruise missile options.

The importance of protecting ALCM and SLCM options in the START negotiations.

What the Soviets could do if they were afforded the right to deploy conventionally armed GLCMs of INF range, not only for conventional but also chemical missions.

The fact that neither side had yet deployed a ground-launched, conventionally armed cruise missile in the INF range band.

The verification difficulties that would be introduced if an infrastructure remained for GLCM operations, and the intrusiveness, cost, and problematic effectiveness of the verification schemes considered if conventionally armed GLCMs were permitted in INF.

Chairman NUNN. The next subject we will deal with is the question of the possible impact of the INF Treaty on DOD special access programs and futuristic weapons. The key questions here are, first, does the INF Treaty impact any DOD special access program now in service; or in either the research and development, or procurement process; or, any program planned in the 5-year defense plan? Second, does the INF Treaty prevent the United States from developing unmanned hypervelocity boost glide vehicles or similar types of futuristic weapons, whether we are in the white world or the so-called "black" special access world?

So far we have testimony that is, at best, incomplete in this area. According to discussions by staff with the Under Secretary of Defense and Department of State personnel on the process used during the negotiation, there appears to be little, if any, formal process for input from dual-hatted individuals who are experts, both on the special weapons programs, as well as, the treaty. We have experts in each area, but we do not seem to have much of a cross-walk and that is what we are here to address this morning.

Most of our chief negotiators have not been cleared for special access programs, and our weapons experts are not treaty experts. We have to find a way to bridge this gap.

In any respect, we made it clear to the Departments that we expect authoritative testimony this morning from individuals who can join the issues as experts in both areas. When we get into the futuristic programs and black programs or special access programs, we will have to clear the room for a smaller group.

Finally, let me announce to the members of the committee the schedule that I outlined yesterday afternoon.

We will resume our markup of the committee INF report at 2 p.m. this afternoon. The first two issues we will deal with are the conventional GLCM and the issue of futures. We will then proceed to the seven remaining issues on the original list compiled by Senator Warner and myself, and then we will address the issues added by committee members.

We made good progress yesterday. If we can make similar progress this afternoon and evening, it is my hope to finish tonight and then give the staff tomorrow, Saturday, and Sunday to work on the report.

I handed out a draft report yesterday on the NATO part, the non-INF part, of the overall deliberations, and will need comments back tomorrow from your staff so that we can work through the weekend to try to incorporate all of our guidance.

With that general statement, Senator Warner, do you have anything to add this morning? I might just say, while we are waiting for Senator Warner, that it is my hope to start at 2 this afternoon and take up these two issues, which I think are the two most important issues remaining, the ground-launched cruise missile question and the futures question. The others are also important, but I think these two are the most critical. Then we will take up the others on the list.

Senator Warner, I was saying I would hope we could take up these two questions first thing this afternoon at 2 and stay with them as long as we need to to resolve them.

Senator WARNER. Do we have to meet in here for those purposes?

Chairman **Nunn**. I think we will meet back here, if we can get this room.

What I would like to do is stay in as long as necessary this afternoon and evening until we finish, or come very close to finishing, because we are simply running out of time. There is no other way to put it. We have done our best, we have examined these issues more thoroughly than anybody else on the Hill. We are going to be looked to for a lot of these answers, so we have to do a thorough job, but we also have to finish.

I saw in the morning paper that the Foreign Relations Committee will complete their markup on Tuesday, which means if we are going to get a rough draft to them, we have to finish today.

Senator, Warner, do you have anything to add?

Senator **Warner**. No.

Chairman **Nunn**. Does anybody have a question? John? Carl?

Senator **Warner**. Should we start with Ambassador Lehman, given his schedule?

Chairman **Nunn**. I do not know whether we have opening statements this morning or whether the witnesses would like to go to questions. You know the scope of the hearing. I would ask General Herres and Secretary Lehman if they have any opening statements.

HON. RONALD F. LEHMAN, ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY POLICY

Ambassador **Lehman**. Mr. Chairman, I have no opening statement. I understand the importance of this hearing and General Herres and I are clearly here in a cooperative spirit to help you with this very difficult problem.

I think I have to leave by 11:00, but it would be my feeling that if the two of us could stay together as long as we could, we would try to help you with your questions.

General **Herres**. We would be happy to do that.

Chairman **Nunn**. My first question relates to ground-launched cruise missiles. I understand we are cleared up to Top Secret for this particular session. We are going to divide this into two sections—one, ground-launched cruise missiles, and then we will go on to the futures. At that stage we will have to move to a different classification level.

General Herres, we heard from a representative of the Joint Chiefs the other day, but we wanted to hear from you as to what the Joint Chiefs decided on this, what input you had on the question of banning conventional ground-launched cruise missiles, your views on the verification part of that and so forth. Why don't you give us a general summary, then we will come back for particular questions?

GEN. ROBERT T. HERRES, VICE CHAIRMAN, JOINT CHIEFS OF STAFF

General **Herres**. All right, sir. I would be happy to do that.

Let me begin by telling you, as I am sure you would imagine, that the Chiefs did not take this decision lightly nor cavalierly. It was a very conscious decision and the problem was looked at from all viewpoints that are relevant.

You have heard a lot said about the verification aspects. I will touch on that, but there are other aspects of this decision that I think have not received enough emphasis until now. The most important of these is that we are not interested in seeing the Soviets have an opportunity to field large numbers of conventionally-armed ground-launched cruise missiles in Europe, just as we are interested in seeing other things eliminated by the treaty.

But I think that point has not been adequately made. This particular issue in the INF Treaty presented us with an opportunity to deny the Soviets the use of a category of weapons [deleted]. That is kind of the bottom line.

Now verification is one part of that problem, but there are other parts of that problem, too, and let me elaborate very briefly and then respond to your further questions.

The Soviets have a larger geographic basing area [deleted] and they have more freedom to exploit this basing area, more freedom to exploit the locational uncertainty characteristic of the mobile ground-launched cruise missile.

Our cruise missiles, based in Europe, whether they are nuclear or conventionally-armed, are going to have to deal with operating in a more confined geographic area, more densely populated area, and deal with the difficulties of maneuvering throughout that area in clandestine ways that are necessary to preserve the characteristic of locational uncertainty for survivability.

[Deleted.]

They are also deploying a navigation satellite system, GLONAS, which is similar to our GPS, which is being deployed on our side—behind schedule because of the shuttle accident, but a good system. [Deleted.]

Although the GLONAS is not as accurate, in my view, as our NAVSTAR, our GPS system, it uses generally the same basic principles and there is no reason to think that ultimately, with improved component performance, they will not be able to approach the accuracy of the GPS.

[Deleted.]

We have to remember that even with zero CEP a ground-launched cruise missile is not going to have any more, any greater probability of damage than that same amount of HE, or high explosive equivalent would have if you put the high explosive, if you physically placed it on top of the target. There is a limit to just how much damage a high explosive warhead can do. Three thousand pounds of high explosive is just so much damage, even with a perfect CEP.

It is possible to harden targets against even zero CEP warheads. [Deleted.]

Chairman **Nunn**. General, if I could briefly interrupt right there, wouldn't that same theory apply to everything we do with conventional smart munitions, everything we are working on in the smart munitions area, everything we are doing with SLCM's in conventional, everything with ALCMs?

General **Herres**. Yes, sir.

Chairman **Nunn**. Why pick out ground-launched?

General **Herres**. Yes, sir. I am just simply trying to point out that there is not an inordinate advantage on our side. I am trying to get across the point that there are some offsetting asymmetries on both sides. The idea that we have an extraordinary advantage because [deleted] is at least, to some degree, offset by the fact that there are limitations to what HE can do [deleted].

But you are absolutely right. It is the nature of warfare, and we have to try and figure out how to take these kinds of targets out.

Now certainly it does not mean that we will not be able to improve on the pound-for-pound effectiveness of a particular kind of warhead and get more explosive potential or more HE equivalent into a conventional system, and we have worked very hard on that and we can talk more about that later.

But I am just trying to explain that there are two edges to this sword.

The fifth point is one that you have discussed in part and I will elaborate just a little bit, and that is it has to do with the breakout potential. It is related to the verification problem, but it is sort of, in my view, another dimension of the breakout problem.

The breakout potential for a force structure that is equipped with conventionally-armed ground-launched cruise missiles exists because of the ease with which an HE warhead can be exchanged for a nuclear warhead. [Deleted.] Let me elaborate on that just a bit.

The training and testing infrastructure would be in place if the ground-launched cruise missile is permitted. The people who operate these systems and maintain these systems other than those who maintain the nuclear warhead itself—just that one part—would be with the missile, can train and operate in exactly the same ways as they would if they were nuclear-armed systems. [Deleted.] But the whole operational and support infrastructure would be difficult, virtually impossible, to discern if the ground-launched conventionally-armed cruise missile were allowed.

Senator **Warner**. Do you mean we are uncertain that U.S. intelligence can verify whether or not the Soviets are doing it?

General **Herres**. That is right, neither could we distinguish whether there was that intent or that possibility. [Deleted.]

So it is a verification problem and it is a breakout potential also.

Now, even if they did not have the intent to do that in a normal mode, if they, for example, said, well, we will have conventionally-armed ground-launched cruise missiles but we can always equip them with nuclear warheads if we need to break out of the treaty, they might not have the warheads immediately available. But if you were going to break out that would be a fast way to break out, even if you did not have the intent to do that or the intent to cheat on the treaty itself.

It is much more difficult for us to break out with that same kind of rapidity. Those points, and I think what I just said about breakout potential, addresses the verification problem itself and are things that were considered by the Chiefs very seriously.

In looking at all that, we said do we really want to run the risk of allowing the Soviets to have a large conventionally-armed ground-launched cruise missile inventory. Is it in our interest to allow them to do that? Is it important to deny them that opportunity and what would we be giving up in order to deny them that opportunity?

What we would be giving up is the right to have ground-launched conventionally-armed cruise missiles in Europe ourselves. And the question then, of course, is how badly you would need to do that. Do we need it badly enough that we are willing to accept allowing the Soviets this opportunity? And the answer was no [deleted].

So what we really gave up was a basing mode. We did not give up a conventionally-armed cruise missile or any intent to exploit cruise missile technology in any way, shape or form for conventional or near-zero CEP systems.

That really concludes what I have to say about all that.

Senator Exon [presiding]. What is the pleasure of the committee?

Senator Warner. Mr. Chairman, in your absence Chairman Nunn indicated that we would start with questions. He propounded the first question and therefore it is my judgment we are in a question period, and I believe his time has expired.

Senator Exon. I will then recognize you.

Senator Warner. I thank you, Mr. Chairman.

Secretary Lehman and General Herres, in my opinion your arguments seem to be credible ones, but those same arguments existed before the negotiations started. Yet it is my understanding that a substantial record exists which indicates that our negotiators argued consistently against giving up this category of weapons and where exactly the transition took place is unclear.

So if you will, Mr. Secretary, please address that issue. For this question we rely on the credibility of General Herres' military judgment regarding this category of weapons. Apparently we did argue to the contrary for some extensive period. Am I correct?

Ambassador Lehman. Senator Warner, that is correct. But I would like to explain precisely what the issue was and state that we protected the option for a conventionally-armed cruise missile in the negotiations while we reviewed this question. As General Herres has correctly pointed out, this was not simply a verification issue; there were broader national security considerations, and these had to be very carefully weighed.

As you know, technology is one of the strong suits of our democracy. We are always extremely cautious when we are approaching these negotiations. We had a very deliberate consideration of this issue. It was not done quickly or hastily. In fact, the issue was kept open and protected and reviewed continuously, and in the end the type of analysis that General Herres has given you carried the day, and, I think, correctly so.

But I would like to make a few points about this. The first is, as I have said, this was not done quickly or carelessly. On the contrary, it was done after very careful deliberation. Second, it was done recognizing that the decision to ban these conventionally-armed ground-launched cruise missiles applied within the range 500 to 5,000, and we put down very clear markers both in INF and in START that this would not be a precedent for the sea-launched and air-launched areas where in fact we do have very vigorous programs.

And, finally, I would like to make one broader policy point, and that is it has been suggested that we should reopen this question with the Soviet Union. And I would urge the committee——

Senator **Warner**. Where are we on reopening this issue?

Ambassador **Lehman**. It has been suggested that the Senate, for example, should require or recommend that we reopen this question with the Soviet Union—that is to say undo this part of the deal.

Senator **Warner**. Do you mean in the context of the ongoing debate in the Senate, now?

Ambassador **Lehman**. There have been public voices who have said this in testimony. I would urge the committee that if it were ever to consider such an action—which I would strongly recommend against—that it ask itself what price would we pay to reopen this question in the negotiations?

So that would be my point. I just wanted to state that I am in agreement with General Herres.

Senator **Warner**. Well, it seems to me that General Herres has presented a fairly persuasive case from a military standpoint for not reopening the question. Now to the extent it was raised in Foreign Relations, to the extent it was raised in Intelligence, and undoubtedly will be discussed in this committee, what are the counter arguments, if there are any counter arguments?

You stated, I think, probably an objective case that weighed heavily against reopening the issue. General Herres, what are the counter-arguments?

General **Herres**. Well, the ones that I hear, Senator, come from people who—and I do not mean this to sound specious—are very much taken by the promise of highly accurate guidance systems.

Senator **Warner**. That the West might develop?

General **Herres**. That we can develop or are developing and can exploit.

Senator **Warner**. [Deleted.]

General **Herres**. Well, that is right. As you know, you can only do two things to [deleted] be more accurate and have a higher explosive. Of course, that is how we ended up with nuclear weapons in the first place.

And when you get down to zero CEP or matters of just a few feet, which is what we are really talking about, and what the anxious advocates of these programs have in mind, then it becomes simply a matter of how much explosive you can put in a vehicle of a certain size.

There are a lot of practical problems with all of this, though, and there is this idea that the zero CEP weapon is the panacea that is going to reduce dependence on nuclear weapons somewhat. There is a certain amount of that. But still, you know, you can only put so much HE in a cruise missile and it gets bigger if you want more HE in it. It gets bigger and the range becomes limited.

Senator **Warner**. So you are saying that in all probability we could improve the guidance systems, but, we still cannot [deleted].

General **Herres**. I would not want to say it in quite those terms. I would simply say that there are those who feel that we should exploit this technology, we should not close out the ground basing mode.

Senator WARNER. I just want to explore one point before my time is up. Senator Quayle has a letter from the Office of the former Under Secretary for Policy, Fred Ikle, that [deleted]. Can you address that letter and the extent to which it entered into the decisionmaking process. Do we have a copy of that communication for this record?

I understand Senator Quayle has a copy of it.

General HERRES. I do not have the letter.

Senator WARNER. It was a letter to the Chairman of the JCS.

General HERRES. We will try and find a copy of it, but I can address the study. I was at the debriefing of the [deleted] study. The conclusions and recommendations of the study [deleted]. They talk about—in fact, the study addresses strategic conventional capabilities, and the treaty, of course, does not prohibit the exploitation of ground-launched cruise missiles at strategic ranges.

So that is not really a problem. We are really talking about, from our viewpoint, a theater weapon. From the Soviets' viewpoint, it is a little bit different, because what is a theater problem for us is perhaps a strategic problem for the Soviets.

Nevertheless, [deleted]. Now there may be a letter; I do not know.

Senator WARNER. Mr. Chairman, at a later point in the hearing perhaps we can acquaint these gentlemen with the letter so they can be more specific.

Was the opinion of the JCS on this issue unanimous?

General HERRES. Yes, it was.

Senator WARNER. Thank you, Mr. Chairman.

Senator EXON. It would be wise if we could provide the General with the letter so that he could respond.

We are following the early bird rule, and since several members are gone on previous business, I believe Senator Glenn is next. Can I interject one brief question? Would you yield to me for a question?

Senator GLENN. Sure.

Senator EXON. I want to ask this of you because it is an all-encompassing thing. Ambassador Lehman, there are those of us who are supporting this proposition but have some grave reservations, some of which have already been brought up here, and we have 14 or 17 others that we think are quite critical.

At least it is the view of this Senator that it would be appropriate, indeed it is incumbent upon the Armed Services Committee in our thorough review of this to point out where we have concerns, not to be critical but to point out that there are things that bother us and under different circumstances we might do more about it than we planned to do.

If we attach comments for the Armed Services Committee on this that point out our concerns, I feel that this might be helpful to you as negotiators in the future with the Soviet Union because they are a system where their top leadership signs off on a treaty and that it is. Not so in the United States of America. As a former negotiator, you do not have any quarrel, do you, with us being quite outspoken in some of our concerns?

It is my feeling that if we do that and then ratify the treaty that this might strengthen your hand with the Soviets in future negotiations. Is that right or wrong thinking from a negotiating standpoint?

Ambassador LEHMAN. Well, Senator Exon, as you know, I believe that this committee can help us. It can help us a great deal in that it ought to tell the truth as it sees it, and that is why we are here, to help you deal with these very difficult questions.

And, frankly, I think this is an excellent body to make those kinds of very strong statements. I will tell you why. It is because in many cases these are judgment calls, and let me give the example of Senator Warner's question, because he has asked a good question.

General Herres I think has pointed out that these technologies are not perfect. But the issue was not whether or not these technologies are perfect. In the course of this negotiation—which, after all, involves give and take and you paying a price to get things—we had to ask the question with respect to these very promising technologies was our strong suit really ground-launched cruise missiles with ranges between 500 and 5,000 kilometers. And we made a carefully considered judgment that we wanted to protect other options but this was an option we could foreclose in the context of foreclosing the options for the Soviet Union.

But that is a judgment call. I think it is the right call, but in the future there will be judgment calls that will have to be made, and it will require that the executive branch work with the legislative branch. To the degree that you make clear to the Soviet Union that we are negotiating in a united way, from strength in the sense that we have thought out carefully what we are doing, that is very helpful.

So the only reason I raise this question is because some people have said we should go back and renegotiate this issue. And as a former negotiator and possibly a future negotiator again, I am saying that when you do that, you have to ask yourself what price will we have to pay and will we in fact end up hurting the very technologies we tried to protect.

Senator EXON. Thank you.

Thank you for your consideration, Senator Glenn.

Senator GLENN. More a comment, I guess, than a question, gentlemen. I think all warfare is staying ahead of the other guy. These technologies get there eventually, as you pointed out, but all warfare is a matter of staying ahead, and that is what we are trying to do.

I am a little bit dubious about this setting a precedent, too, for future negotiations. I do not think it is worth reopening INF. I would probably be against that, [deleted].

So I am not so worried about INF, but I am worried about the future negotiations, which may be more suspect if we are going to give things away on the basis of what General Herres has indicated are our reasons for this. I wrote down that: they will catch up anyway basically, they have a larger basing area, they are more free to exploit their territory, [deleted] there are verification problems, and HE is limited in what it can do.

It bothers me a little bit that that is our rationale for giving up a system here, and I am afraid I agree completely with what Sam Nunn said to begin with. Those same arguments can be used against almost any weapons system. We should not field the M-1 because of all those same reasons.

So I just make a statement that I hope that the JCS mentality does not carry over with this same kind of rationale for future negotiations. Now that is a rather harsh statement, but I think Sam was right. You can apply this same kind of rationale to almost any weapons system and justify bargaining a thing away.

In this case it is not that serious because we have other means of covering this distance with the same kinds of weapons, but it does mean to me that we are going to have to be a little more suspect perhaps of future negotiations.

General **Herres**. May I respond to that?

Senator **Glenn**. Sure, I would welcome a comment.

General **Herres**. Sir, I do not think I said anything about this not being serious. The reason I pointed those things out, Senator, is to point out—and I think Secretary Lehman's comments are most appropriate—to point out that [deleted] and that if it is exploited by the Soviets it could very well be a strong suit for them.

In no way did I mean to, and I do not think I said that, or meant to imply that there is any desire to just simply give up on systems because they can do things as well as we do. As the Secretary has pointed out, we have to make choices. If you have a negotiation, you have to decide what you are willing to give up in order to make him give things up. We gave up certain things. We gave up some pretty good systems in the Pershing and the nuclear-armed GLCM.

The Pershing is a very fine system—very accurate, very effective—but it also gave us a lot of leverage to get a lot of things out of the Soviets. In the same regard, the existence of this technology is leveraged to prevent the Soviets from exploiting a good opportunity in the future. [Deleted.]

There is potential for the Soviets to present us with a problem that will be difficult for us to meet, difficult because of the geographic and other considerations that I pointed out. But in no way do I want to suggest that there is any inclination or any proclivity on our part to roll over simply because the Soviets might have some capability, too.

Senator **Glenn**. Can we verify this and can they verify our agreement on this?

General **Herres**. That we will not have conventionally-armed GLCM's or GLCM's in general—nuclear or conventional?

Senator **Glenn**. Ground-launched cruise missiles like this. Can they verify what we have agreed to and can we verify everything?

General **Herres**. I think we have a good chance. The same kinds of verification principles and problems that have been discussed with respect to the nuclear-armed GLCM apply here because we are talking about the elimination of a category of weapons, as categorized by range and basing mode and mode of flight. So it is really a no more difficult problem. It is an identical problem, actually, for the conventionally-armed system.

Senator **Glenn**. I will not prolong it. I do not think I would want to shoot the whole treaty down or try to on the basis of this issue. I think that would be a big mistake. But it does raise some question in my mind about what we do in future negotiations.

And if we are using this kind of rationale for doing what we did in this negotiation, you could apply that same kind of rationale to all sorts of weapons systems in the future—all sorts of things that would get us into big trouble if we had that same kind of mentality, it would seem to me.

General HERRES. May I emphasize one point, Senator? One of the important points we made when we came to this conclusion and this recommendation was that we must protect our ALCM and SLCM capabilities.

Senator GLENN. We could cover the ranges that we are talking about in this treaty with other systems, if necessary. I will not carry it beyond that.

Let me ask are we intending to get to the briefing on the cruise missile technologies before the end of this discussion this morning?

Mr. PUNARO. Yes, sir. We had hoped to cover the issue related to the ban on conventional cruise missiles, and once that subject is exhausted shift to the special access programs.

Senator GLENN [presiding]. Who is next, then?

Senator WARNER. I believe we shift over to this side. Phil, would you yield for a brief observation.

Again, for the purposes of the question, we assume that General Herres has presented a credible military argument. Did the Soviets see it in that context? I understand that they argued to give up this category of weapons and were oblivious, presumably, to the military arguments that you made.

General HERRES. I cannot address that, Senator. I do not know. I would not be able to confirm that they were oblivious to these arguments at all.

Senator WARNER. What was their position, Mr. Ambassador?

Ambassador LEHMAN. Senator Warner, their position was that they thought cruise missiles within this range should be considered to be nuclear in any case. They argued it from a verification point of view. There were various debates over time over the effectiveness of the Soviet approach to verification, their willingness to accept the type of verification that we were interested in on this issue.

But, as I say, there are military considerations and there are policy considerations. Sometimes those are at odds. In this case, they were not at odds.

Senator WARNER. Who is "they"?

Ambassador LEHMAN. The military considerations and the policy considerations. Our view is that this particular category is not our strong suit for competition.

Senator WARNER. I understand, but the question was did the Soviets—it is my understanding they argued to give up this class of weapon system.

Ambassador LEHMAN. That is correct.

Senator WARNER. So they were oblivious or just unaware of what I regard now as General Herres' fairly compelling arguments that they had an advantage?

General HERRES. I could speculate or theorize that they were anxious to see us give up all GLCM's of all kinds. It was probably part of a larger strategy to try to do away with all of our cruise missiles. They are after SLCM.

Senator **Warner**. So in other words this was a foot in the door and then they will move to SLCM's and air-launched?

Ambassador **Lehman**. That is why we had to make it absolutely clear, and did make it absolutely clear, that this was no precedent for these other systems.

Senator **Warner**. I thank you for the courtesy.

Senator **Gramm**. I have three questions. First, it seems to me that the whole question about the ground-launched cruise missile and what we are giving up really comes down to another question that I have not heard raised, and that is what the differences are in the capacities of sea-launched and air-launched cruise missiles as compared to ground-launched? If there are no differences, then except for some advantages in basing and perhaps political advantage, we have not given up anything.

If there are big differences, then we have given up something, and what we have given up depends on the degree of those differences. Could you tell me, General, just in simple terms I could understand, what can a ground-launched cruise missile do that a sea-launched or air-launched cruise missile cannot do?

General **Herres**. Of the things that we want cruise missiles to do, nothing. That was a very important factor in our decision, as I tried to point out earlier. I would not want to mislead you by omitting a little explanation that a ground-launched cruise missile can be a bigger vehicle.

Senator **Gramm**. Of the cruise missiles that we have deployed today are there differences in the level of performance?

General **Herres**. The air-launched, sea-launched and ground-launched are basically the same. We had a joint cruise missile program office, as a matter of fact, to develop all three.

Senator **Gramm**. So, as of today, there is no difference in the performance, though you have got the obvious fact that with a ground launch you can make it bigger?

General **Herres**. That is right. For the future you could build a bigger airframe. Now that would give you a bigger payload, which makes a big difference, in HE, high explosive warheads. That would be offset by the disadvantages, of course, of being easier to detect.

The basing mode, the problems of basing mode, the bigger it is, the more difficult it is to use—mobility for survivability and so forth. Weighing all of the characteristics that the basing mode imposes on the effectiveness of the system, we judged that the air-launched and the sea-launched cruise missiles would be able to do the things, any of the things, we would want a ground-launched cruise missile to do for us, and we would have more flexibility in the application of those systems.

We would not be limited to, tied down, as a matter of fact, as you would be with a ground-launched basing mode.

Ambassador **Lehman**. Senator Gramm, if I could just address this question, it is not that there are no differences between ground-launched systems, sea-launched systems, and air-launched systems. Depending on the technologies, the applications, one can find them.

For example, given the technologies of the day, land-based ICBMs have a greater accuracy than sea-based. Whether sea-based will ever catch up, we do not know, but they are getting better and better.

Senator **Gramm**. Is that true with cruise missiles?

Ambassador **Lehman**. It is a different technology, and so these particular systems fly differently. Now there are other factors, some military. For example, if you are concerned about nearness to target a ground-launched cruise missile is either further away than you want it to be and there is no flexibility, or it is right where you want it to be. That is a theoretical advantage. But air-launched systems and sea-launched systems can be incredibly mobile and can pick up some of those factors.

Senator **Glenn**. Phil, will you yield for just a second? The GLCM's we have now, there is not much difference between the others, but what you could develop in the future, you could take old 727's, if you wanted to, and make GLCM's out of them. You could put 10,000 tons of HE in that airplane, if you wanted to.

So this limits us in the future.

Senator **Gramm**. It is the delivery problem that we have.

Senator **Glenn**. Theoretically you could take a 747 and make a cruise missile out of the thing—all automatic, same guidance systems, and everything—load it up with 10,000 tons of HE if you wanted to. So it limits for the future what we can do with GLCM's compared to ALCM's and SLCM's.

But what they have now, they are basically in the same capability, [deleted] I think. Is that not the answer. General?

General **Herres**. Senator, right now they are basically the same air frame—same size, same kind of engine, same range capabilities. You get a little advantage with an air-launched because you have already got some velocity and so forth. But fundamentally they are the same.

Senator **Gramm**. One other question on that point, General. I am afraid I am going to run out of time.

[Deleted.]

Ambassador **Lehman**. I think it is a bit awkward to talk about that right now.

Senator **Gramm**. This is a secure room.

Ambassador **Lehman**. There is a later session, I believe, that is planned to go into this. But again both from a military point of view and even from a policy point of view one can say that air, sea and ground systems of various sorts have certain advantages and disadvantages. But in this particular case there was no compelling difference that somehow would have changed the decision.

Senator **Gramm**. My final question, and then I am out of time. If you were going to try to put into English to tell your momma what our lead over the Soviet Union in cruise missile technology is, how would you tell her?

General **Herres**. [Deleted.]

Senator **Glenn**. Thank you.

Senator Wirth.

Senator **Wirth**. General Herres, this issue of GLCM's has come up from two angles. One we have talked about pretty extensively this morning, and that is the military capabilities which you so ably answered, particularly in your colloquy with Senator Warner.

The other issue is the verification issue that was raised, particularly by Richard Perle and others, who have argued that there is no way of verifying between drones and GLCM's, ones that have warheads on them and ones that are drones, and that since there is no way of verifying there is enormous room for cheating there, and that consequently what we should do is just to amend the treaty.

I am sure you are familiar with the arguments that are made. It seems to me that we have got to be clear that the premise—we have got to have a clear understanding of the premise. Is it or is it not correct that you cannot make a distinction between what is a drone without a warhead and what is a GLCM with a warhead?

So my question starts with that. Can we make that distinction?

General **Herres**. [Deleted.]

And I believe that [deleted] an attempt to cheat through exploiting unmanned aerospace vehicles or remotely piloted vehicles intended for other missions would be detected.

Ambassador **Lehman**. We all recognize this is one of the more difficult areas of arms control verification. We understand that. We also understand that when you make these judgments you have to ask what does it do to them and what does it do to us. There is a sense in which we actually came out with a middle ground.

That is to say one option would have been to try to capture RPV's, unarmed systems, as well in the name of verification. We made that decision not to do that. So in essence it was the type of consideration that Mr. Perle has raised that drove us to what I think was a balanced approach to this problem.

But you are weighing again what technologies you are interested in. General Herres has mentioned that we are very good at guidance. We are also very good at sensors. Do we really want to prohibit sensors? This is an area where these type of vehicles are very, very promising, and so we wanted to protect those options.

Senator **Wirth**. So the answer to the Perle contention is, as General Herres suggested, one, an individual RPV is not distinguishable from what might be a GLCM on an individual case-by-case basis. But [deleted] that would be verifiable that that is in fact what they are doing.

[Deleted.] Is that an accurate way of summarizing the answer to his verification question?

General **Herres**. Yes, sir. But I would like to reinforce it with one point. [Deleted.]

Senator **Wirth**. The footnote, then, to the summary that I just gave would be that [deleted].

General **Herres**. [Deleted.]

Senator **Wirth**. [Deleted.] Is that right?

General **Herres**. Yes.

Senator **Quayle**. Would you yield on that point? The two things I think you are missing in answer to Senator Wirth's very precise question is, one, how do you verify whether it is a weapons delivery system, because if you get into an RPV or even a cruise missile that is not a weapons delivery system you are okay.

Then the second point you have got to be able to verify is that it does not have the capability to go beyond the 500 kilometers, and we had testimony yesterday on this fuel exhaustion issue [deleted].

Senator **Wirth**. I am going to get to that.

Senator **QUAYLE**. It gets into this thing insofar as this infrastructure and all that that there is a lot more to it.

Senator **WIRTH**. We have got to keep walking through, but why don't you pick up on the first point of what Senator Quayle was asking? We have got to break this up. We have got to make sure we are looking at each one of these questions so that we can answer those.

Dan, do you want to repeat the first part of your question?

General **HERRES**. I think I have got it.

Senator **QUAYLE**. I think you know what the issue is. It comes down to what I call this verification basket, and Senator Wirth and I have gone around and around just creating the scenarios. But it is going to be very difficult, if not impossible, to verify, and beyond whether it is a cruise missile or an RPV the two important criteria, whether it is captured by this treaty or not, is whether it is, one, a weapons delivery system and, two, whether it is within the INF range of 500 to 5,500 kilometers.

Both of those issues are very, very problematic in the verification regime, despite your answer to him [deleted]. That is an additional problem beyond the initial question on this.

General **HERRES**. [Deleted.]

Senator **WIRTH**. Again, [deleted].

General **HERRES**. That is probably a good way to say it. That, too. [Deleted.]

Senator **WIRTH**. Before getting on to the second part of Senator Quayle's question, let me ask you the other trailer that came in the Perle testimony, and that was, as I understand it, that since this is not verifiable, if we eliminated that from the treaty with an amendment—in other words, eliminated the fact that we are precluding GLCM's from the treaty—that that would not "not be a killer amendment".

Ron, maybe you could speak to that. Would such a change in the treaty be a killer amendment or not?

Ambassador **LEHMAN**. I think our assessment is that it would be a killer amendment. There is, in addition, the concern I have raised. I do not rule out the possibility that the Soviet Union would be prepared to renegotiate on this issue.

Senator **WARNER**. Given what General Herres has told us this morning.

Ambassador **LEHMAN**. Given what General Herres has told you this morning, given that we are trying to protect other technologies in the sea-launched and air-launched cruise missile, and given the Soviet desire and indeed often effectiveness in manipulating the political environment, particularly in Western Europe, do we really want to go do this.

I think that is a very fundamental policy question, the type of question that a committee like this has to ask.

Senator **WIRTH**. So your answer is that this may not be a killer amendment from the Soviets' point of view, but going back to General Herres' response to Senator Warner's question it may from our perspective be not a killer but it would be bad judgment for us to raise this issue, because we gain more militarily by having GLCM's precluded than we do by having them included. Is that right?

Ambassador **LEHMAN**. I said I think our judgment would be that it would be a killer amendment. Let me give you my personal opinion. It is hard to assess how the Soviet Union would play this card if the Senate were to hand them this card. But let me tell you you are going to improve their hand, and I suspect the first thing they will do is they will slam you hard and suggest that this was a killer amendment and it shows how difficult it is to deal with the United States in this environment. They would launch a new peace campaign in Western Europe designed to cut back on defense programs in the United States and Western Europe to disrupt the NATO alliance and wait for a new administration and see where things stand.

And then I am saying my own opinion is, having made us pay a price publicly, they would then come back and conceivably let us reopen this issue and then force us to pay another price in the negotiation. I am asking is that the right thing to do over this particular issue.

I am arguing that it is not.

Senator **WIRTH**. That is a very good answer. Let me say that I do not believe we should offer this kind of amendment. I want us prepared to answer the question when it comes up, and your answer is a very good and thorough one.

I thank you very much.

Senator **WIRTH** [presiding]. Senator Quayle.

General **HERRES**. I would add one thing to that, that if you did walk the cat back down the road we would also gain nuclear GLCM's, too, and they would have to face that, which would probably be why they would not like it at all.

Senator **WIRTH**. Senator Quayle.

Senator **WARNER**. Is his last answer clear to everybody?

Senator **GRAMM**. It was not clear to me. I understood the part where you said that it may not be a killer but it was dumb, but I lost you on that last point.

General **HERRES**. If the GLCM's were taken out of the treaty, we would be giving up all of the things I said earlier that we would be denying the Soviets. We would be giving up that opportunity to deny the Soviets conventionally-armed ground-launched cruise missiles, but we would then restore our capability, our right to continue to deploy the nuclear-armed GLCM.

Senator **QUAYLE**. In the INF range? That is not the question. That is not the issue.

General **HERRES**. I thought that was the question. I am sorry. I thought it was elimination of GLCM's completely.

Senator **QUAYLE**. Maybe you better rephrase the question because that is not the question.

Ambassador **LEHMAN**. Well, there is an aspect in which it is the question, and that is this.

Senator **WARNER**. Let's hear the question first.

Senator **QUAYLE**. Maybe Senator Wirth could restate the question.

Senator **WIRTH**. Well, I am confused as to what I picked up here. I was satisfied with the response to the question that I asked. I was satisfied with the response to the question that I raised, which was would the addition of GLCM's back into our arsenal as an amendment be a killer amendment.

General **Herres**. Conventionally-armed GLCM's. Okay. That is the part. That is a big difference. Okay.

Now I need to give you a different answer to that. It is very important. The Joint Chiefs of Staff, I am sure, would want to take another very hard look at how verifiable such a treaty would be, and what the breakout potential is. I am not sure that the judgment of the Chiefs about the treaty would be the same.

If the conventionally-armed GLCM is allowed and the nuclear GLCM, of course, is prohibited by the treaty, then the Joint Chiefs of Staff, I am sure, would want to reexamine the question of whether or not the treaty is verifiable.

Senator **Gramm**. Believing that it would be easier for the Russians to cheat if they have got and can test a conventional GLCM?

General **Herres**. If you have all that infrastructure, all that capability in place available and ready to use and ready to equip with nuclear warheads, then the breakout potential would be a serious military consideration—not to mention all the other arguments that I made earlier.

Senator **Wirth**. OK. My first question related to verifiability and was would you be able to separate a drone from an armed GLCM. Perle in his testimony said you cannot make that distinction, and that got us off into that earlier discussion.

Now we are on to a second issue, which is part of the second question raised by Senator Quayle, and it is going to be his time and maybe we ought to go right to that, which is can you make a distinction between a nuclear-armed and a conventionally-armed cruise missile. That is a second realm of questions which we have not gotten to yet, and we have to make clear.

A third realm of questions, then, which we have not gotten to and have to make clear is what happens if you have a GLCM or you have a missile at a very short range that goes up to the range precluded by the INF Treaty. You test right up to that range and you test that same kind of a missile at sea, why could you not extrapolate from the tests of a shorter range missile and one that had been tested at sea and assume that that would then be a usable and dependable weapon at the INF range.

Okay. That is a third realm of verification issues. Each one of these, I think, has to be explored, but my time has more than expired.

Senator **Quayle**. I think it would be best to just keep going.

Senator **Gramm**. No matter whether you do change or you do not change the treaty.

Senator **Wirth**. It is a question, I think, Phil, we have to at least get our fence around so we have an answer to it when it gets raised on the floor, So maybe we are at the point of the second realm of questions, which is the distinction between a conventionally-armed cruise misssile and a nuclear-armed cruise missile. Is there a way of making a distinction between the two in the verification process. If conventionally-armed were allowed and nuclear were precluded, could you verify that a cruise missile was conventionally armed or nuclear-armed?

General HERRES. The distinction in the second realm of questions is much more difficult than in the first. Although I mentioned that in my earlier discussion, I did not go into it in any depth.

But the reasons are that you build the troop structure and the entire military basing and support structure and infrastructure for that conventional system. It would look very much like what you would build for a nuclear system or vice versa. In other words, there would be very little difference between the two.

When you test the cruise missile, you do not have a nuclear warhead in the thing anyway, and when you do live training flights, of course, the nuclear warheads are not in them. So the troops really do not know the difference.

[Deleted.] The guidance systems would be the same, the propulsion systems would be the same, the methods of deploying and functioning and so forth all would be very much the same.

The troops really would not know the difference. [Deleted].

Senator WIRTH. So, answering the question, let me go through this now and make sure the record is clear. In answering the question of could you verify the difference between a conventional and a nuclear-armed cruise missile you are essentially saying no, that the support system would look the same, the testing would look the same, the guidance and propulsion systems would look the same, [deleted].

General HERRES. [Deleted.]

Senator WIRTH. And it would be very, very difficult to discern, so therefore your answer is no.

General HERRES. My answer is no. I do not known how to do that.

Now I have to make the distinction there, and I am sure that this is part of the next question. What is the difference between that and the drones? With drones you are going to test them differently and you are going to operate them differently, and I think there are differences in the way the infrastructure operates, the way it fits into their larger military infrastructure and so forth.

[Deleted.]

Senator QUAYLE. What kind of drones are you talking about?

General HERRES. Reconnaissance drones primarily. I think that was the example.

Senator QUAYLE. But reconnaissance drones are allowed, are they not?

General HERRES. That is right, and that is what I thought the question was.

Senator WIRTH. That was the first question, the reconnaissance drone. That was the first clump of verification issues.

Senator QUAYLE. But just to follow up you say it is very difficult to verify it, but you could look at [deleted] and that would give us potentially some confidence, particularly if they would deploy them.

General HERRES. I want to make sure I do not get these two realms of questions mixed up. [Deleted.]

Senator QUAYLE. [Deleted.]

General HERRES. Exactly.

Senator QUAYLE. And we certainly would be able to have some degree of confidence of verifying—maybe not too much, and I do not think it is too much—to tell whether that thing is nuclear or conventional, and certainly enough to maybe take it to the verification commission, [deleted].

General **Herres**. That is right. But the scenario we discussed amongst the Chiefs and the one I am trying to describe is the one where all of the conventional infrastructure is there and it is overt and there are no abnormalities in the pattern for what is allowed by the treaty.

[Deleted.]

So what I am suggesting is I think it is very difficult and I would not want to sit in front of this committee or any other and describe how I would want to verify that if the Soviets were allowed to have conventionally-armed ground-launched cruise missiles [deleted]. I would not know how to answer that question.

Senator **Quayle**. Go ahead and finish, because I have got a whole different train of thought on some of these issues.

Senator **Wirth**. It probably gets a little more complicated if GLCM's are allowed up to 500 kilometers, which they are, and you were to have a conventionally armed GLCM with 1,000 pounds of conventional explosive on that. If you were then to rearm that allowable conventional GLCM at a 490-kilometer range with a nuclear warhead, that GLCM would then be able to go significantly further than 490 kilometers. [Deleted] and therefore would enter into the INF range. Is that not right?

General **Herres**. [Deleted] it could go further.

Senator **Wirth**. It goes into the INF range, in any case.

Senator **Warner**. Because it is lighter weight.

General **Herres**. Yes, sir.

Senator **Wirth**. Therefore, what verification issues get raised because you are allowing them at a shorter than INF range to put a nuclear warhead on it and it could go further? What kind of verification problems does that raise?

General **Herres**. That is difficult. That is very difficult. That falls in the second category. About all I can say there, Senator, is that it would be bounded. In other words, it is not an unlimited range increase. It certainly would not be able to exploit the whole band of prohibited ranges, but it could go beyond that. And it is a gray area.

There really is a gray area that both sides could exploit.

Senator **Wirth**. So does that gray area answer confirm Richard Perle's statement that the preclusion of GLCM's at the INF range is not verifiable?

General **Herres**. No, sir, I do not think so. I think he is picking one case. He is picking your third realm of questions and he is picking one specific example. And that is hard; there is no question about it. These nuclear weapons, of course, would have to be further forward-deployed. The systems that you would use to exploit that technique, that method of cheating, would have to be, in order to be useful in their HE mode, be credible in their HE mode, would have to be forward-deployed fairly close to the front. And therefore there is an increased, probably not greatly increased but an increased likelihood that the presence of nuclear weapons to support those systems might be detected through a variety of intelligence means.

But I have to be candid with you that is a very difficult scenario to verify.

Chairman **Nunn** [presiding]. Excuse me. I have to interrupt and make a suggestion. Assistant Secretary Lehman has to leave at 11:00. He is one of our key witnesses in terms of explaining this gap on the futures program. I would like to ask, Senator Quayle, if you have any particular questions of Ron Lehman on the ground-launched cruise missile that cannot be deferred? We would ask General Herres if we could go ahead.

I would like to break up this ground-launched cruise missile discussion temporarily, take up the futures for 45 minutes until Ron Lehman leaves, determine whether we should go ahead and finish the futures, and then come back and ask General Herres questions on the ground-launched cruise missile, we will continue to go this morning. We only have 45 minutes.

If we miss Mr. Lehman's testimony on the futures, we are probably going to need to have another hearing, and I do not know when that will be.

Senator **Wirth**. Let me just for the record put in one final question. Let me put in one final sentence to this.

I think, General Herres, this was part of the answer. Part of the answer to the question is that the Soviets would never have tested the GLCM to the longer range, so the reliability of the missile would be suspect. If they did test it above 500 kilometers, it would violate the treaty.

And it is hard to believe that they would establish a set of missiles that were nuclear-armed that had not been tested in some way. That would be the ultimate of noncontrol and, I would think, a very foolish thing to do. Is that right?

General **Herres**. Yes, sir, I agree with that. You could certainly test in the conventional mode up to those ranges and then extrapolate what kind of performance you would expect beyond that, and you would have to depend on whatever reliability that yielded. That is quite different than the kind of situation where you are not allowed to test a system at all and you lose confidence.

Here it is a question of your confidence in extrapolation versus your confidence in just all theory.

Senator **Wirth**. We will get back to what you can test off a ship, which is the whole other set of questions that Senator Quayle and I have, but that does not need you, Ron.

General **Herres**. And the answer is a little bit different. I can stay.

Senator **Quayle**. I was just saying my problem is I have got this national security legislation on the floor—high risk notification. You have heard about that one. And unfortunately I have got to deal with that at some time. I was planning on spending time in this committee until the first cloture vote, and then I was going to have to spend some time on the floor. Now I have got to figure out how to get back, because there is a whole raft of issues that I would like to get into on how the JCS came up with this decision and things of that sort.

Chairman **Nunn**. I think General Herres will be here as much as we need him today. We are trying to wrap this up, if we can. I suggest we clear the room for special access, and spend the first 40 minutes asking Ron Lehman questions. General, if you could make notes as we go along and come back and comment, we will try to finish up.

[Whereupon, at 10:20 a.m., the committee proceeded into further discussion at the level of Top Secret/Special Access Required.]

[Whereupon, at 11:09 a.m., the committee proceeded into further discussion at the Top Secret level.]

Senator **Gramm**. Would you agree with that assessment?

General **Herres**. As I understand it, the answer is yes.

Senator **Gramm**. Are you worried that the Russians are going to put the Poles in the SS-20 business? And are we going to put the British and the French in the Pershing II business?

General **Herres**. No, sir, I do not think that is likely. I think, generally speaking, they would prefer to build their own, but, you know, we have helped them with other systems, the British in particular. I know of no plan or no intent to do that. I think the consensus view—and this, of course, is a judgment call—the judgment is that [deleted].

Senator **Gramm**. But it is your understanding that if they wanted to do it they could do it, and if we wanted to do it, we could do it?

General **Herres**. That is my understanding. But, you know, I am not the expert on that kind of stuff.

Senator **Gramm**. I just wanted to know what you thought.

Senator **Warner**. Well, I think you leave the record somewhat in doubt. You are not the expert, but are you suggesting the committee may wish to refine that reply and get someone up here who can be more precise? And, if so, who would that be? Ambassador Glitman, I suppose.

General **Herres**. Yes, sir. I think somebody in Policy. I would not want to answer that right now.

Senator **Gramm**. But you are saying—are you telling us that is what you think it means? I do not think that is unfair.

Senator **Warner**. We have Mr. Woodworth, who was Ambassador Glitman's deputy during the negotiations. Would he care to comment?

General **Herres**. John, do you want to comment on that?

Senator **Warner**. Please come up and join us. You know the pending question.

Senator **Gramm**. Do you want me to restate it?

Mr. **Woodworth**. I am sorry sir. I was talking to the other people.

Senator **Warner**. Would you identify yourself for the record?

Mr. **Woodworth**. John Woodworth.

Senator **Gramm**. As we have looked more and more at Article XIV—and you all correct me if I am wrong—we have increasingly come to the conclusion that article XIV basically prevents us from selling—let me just take the Pershing II and the SS-20—it prevents us from selling or giving the Pershing II to our allies, from giving a stage of the Pershing II to our allies. But it does not prevent giving them a blueprint, giving them component parts, giving them machines used in the construction of the Pershing II, nor does it prevent the Soviets from doing exactly the same thing with regard to the SS-20 to their European satellites?

Is that your understanding?

Mr. **Woodworth**. Sir, that is essentially correct, yes, as we have explained in tetimony describing the purpose of Article XIV and its background. I think that Ambassador Glitman has spent a considerable amount of attention on the fact that we did not seek to capture technology transfer as such or component transfer as such. And this is borne out by the negotiating record in terms of the proposals and propositions the Soviets put forward and the ones we refused in the final outcome.

Senator **Gramm**. So if the Soviets tomorrow put the Poles into the SS–20 business and started turning out Polish SS–20's, you would not consider that to be a violation? Or if we did the same thing with the French?

Mr. **Woodworth**. I would want to be careful on an answer like that. I believe, if we saw SS–20's, which are otherwise banned by the treaty, emerging in another country in that fashion, I believe we would have some serious questions.

Senator **Gramm**. I know, but would it be a violation? I mean, if we could go and, sure enough, it had stamped on the side "made in Poland", we might question whether it would work, but would that be a violation? The Russians would come back and say, sure enough, we did not build it. We gave them the blueprint. We gave them the components. We gave them the tools, and we sent some people over there to sort of advise them a little.

But is it a violation?

Mr. **Woodworth**. I think, as legal counsel was saying, there would be in that case obvious and serious questions of good faith compliance with the treaty if Poland suddenly emerged with an SS–20, and that would also, I think, bring into question Soviet conduct with respect to the spirit of the treaty. So that would raise questions we would have to look at.

Senator **Gramm**. I am not trying to be hard, because I am on your side, but here is the question. If you specifically in essence agreed that we are not precluding components, we are not precluding technology, we are not precluding blueprints, we are not precluding tools, and the Poles can, with all these things, build an SS–20, I do not see how you can call them into violation.

General **Herres**. Let me read you an answer, sir. It would not be a violation.

The treaty prohibits us from producing or transferring a missile, missile stage or launcher for a treaty-limited GLCM or for a ground-launched ballistic missile. It does not prohibit the production or transfer of lesser components—that is, lesser than a missile, missile stage, or launcher. It does not prohibit the transfer of lesser components, technology or blueprints, and the United States rejected Soviet proposals for such prohibitions.

In any event, each such issue would have to be dealt with on a case-by-case basis, taking into account the obligation to comply in good faith with the treaty.

[Deleted] obviously they apparently wanted to prevent us from doing that.

Senator **Gramm**. Well, if anybody has got an advantage from that, we do, because our allies would have a command and control system that we would have some confidence in and their allies would not. And I am not sure they would want their allies to have it. They might use it against them.

But, boy, when you get down to the bottom line—and I am not going to go out and say this in public—this treaty is about as empty as anything I have ever seen that has gotten on the front page of the newspaper. Well, that is an overstatement, but it is pretty empty. It is pretty empty.

General **Herres**. Well, it is a big step forward when you think in terms of the kinds of verification methods and the verification regime that we are about to try to implement. That is a giant step forward, and if the treaty did not accomplish anything beyond that, it will give us some experience and some understanding about whether or not such techniques and methods can be used and can be implemented in a way in which we will have confidence.

We will gain some extremely valuable experience so that in future agreements, as we go into them, we will have much more confidence in what can be done and what is doable. It does eliminate weapons for the first time in history, and those are—perhaps the meaning is more political and psychological than effective from a military standpoint—but those are important steps.

Senator **Gramm**. Just remember this—and this is my final comment and I will shut up—just remember that we are getting into a verification regime but we are not shooting with real bullets. The next one, the START business, we are going to be shooting with real bullets and I hope you keep in mind that this one was for fun and that what you learn is nice.

But the next one is just fundamentally different. You have not forgotten that, have you?

General **Herres**. No, sir.

Senator **Gramm**. It frightens me that some people may.

Senator **Warner** [presiding]. Senator Quayle.

Senator **Quayle**. Let me go back to your favorite topic, the ground-launched cruise missile. There is no doubt that this was a Soviet position that wanted a total ban; am I correct?

General **Herres**. I do not know that for sure, but I gather that from what I have heard. But I do not know that personally from firsthand knowledge.

Senator **Quayle**. I think that is fair.

Senator **Warner**. While you were out this issue was addressed by Ron Lehman and maybe the other Ambassador could likewise address it, because I think it is a very important point.

Senator **Quayle**. I think the record will show it was the Soviet position to have the ban, push the ban on the cruise missile, conventional.

Mr. **Woodworth**. The Soviet position throughout the negotiations was a ban without differentiating armament.

Senator **Quayle**. The Soviets wanted a ban throughout the negotiations. Is it my understanding that what your study and the military analysis was was to look at the position of a ban which was the Soviet position, or keeping the option of having the ground-launched cruise missile, meaning conventional and nuclear? Is that what you looked at?

General **Herres**. No, no. We looked at the choice of banning the nuclear and keeping the conventional, and that specifically was addressed.

Senator **Quayle**. Did you look at the specific choice of banning the nuclear GLCM but keeping the conventional?

General **Herres**. That is right—versus banning them entirely.

Senator **Quayle**. And you came down and said that it would be in our interest to go ahead and to ban them entirely.

General **Herres**. Yes, sir. On balance, all things considered, we concluded that the Soviets would have the potential for a greater advantage than we would by allowing the conventionally-armed cruise missiles.

Senator **Quayle**. By allowing the conventional cruise missile. And why is it that they would have better capability in the conventionally armed cruise missile than us?

Let me ask, do they have deployed ground-launched cruise missiles?

General **Herres**. Conventional?

Senator **Quayle**. Either.

General **Herres**. The ground-launched cruise missile, as [deleted].

Senator **Quayle**. Is it as advanced as ours?

General **Herres**. We do know they are developing one. [Deleted.]

Senator **Quayle**. [Deleted.]

General **Herres**. That is right.

Senator **Quayle**. We have one?

General **Herres**. Yes, sir.

Senator **Quayle**. Are they farther ahead?

General **Herres**. [Deleted.]

Senator **Quayle**. [Deleted] from a military point of view it is in our interest to——

General **Herres**. Deny them the opportunity to exploit.

Senator **Quayle**. The opportunity to [deleted].

General **Herres**. No, not quite. You are putting it in the same terms as Senator Glenn did, and I do not think that is quite right. It gives them an opportunity to exploit the ground-launched cruise missile, that basing mode and that category of weapons, to our disadvantage, because the basing area within which they can deploy these is larger. They can exploit locational uncertainty for survivability of such weapons more easily than we can.

[Deleted] and this is a judgment based on potential, in addition, of course, to the verification and the breakout potential problems. But I just have to remind you all—I am sure I do not have to do that, but I feel obliged to—that just because [deleted] does not mean that the Soviets are not going to exploit an opportunity, [deleted].

We open the door for the Soviets to exploit this.

Now why did they? I think it was a good question. It was asked earlier. Why did the Soviets want to ban both the conventional and the nuclear? I would speculate it is because they are after all of our cruise missiles. They want to do away with SLCM's and ALCM's, and they have got to start somewhere, and that is where they started. It is the expectation of being able to control, to either limit or eliminate one or the other.

They probably are not so sanguine as to think they can eliminate them, but they may think they can limit our SLCM's and ALCM's. It is that expectation that would cause them to take the position on the GLCM's.

Now they might have agreed to some limited deployment; I do not know. I cannot speculate on that. John could probably do better on that than I can. But we do know that they are after the SLCM's.

Senator **Quayle**. See, the SLCM's and ALCM's——

General **Herres**. They want to limit both of them, and I think that is probably a big concern for them.

Senator **Quayle**. If we can ever do it. But the problem is this precedent that we have established in INF.

General **Herres**. Well, we have to draw a deep line in the dirt, and the Chiefs were very explicit on that matter.

Senator **Quayle**. But you look at this thing, and I will get into the verification and breakout, but you talk about well, they have the potential to do more, and they have the potential to [deleted]. The same could be said about our conventional capability on the SLCM's and the ALCM's, [deleted] so therefore let us go along with some sort of a limitation.

The thing is—and this is what really concerns me—is the logic and rationale that you used to go to recommend a ban on the ground-launched cruise missile. I do not know how you get out of it when it comes back to the sea-launched and air-launched cruise missile.

General **Herres**. Let me just say it another way. [Deleted.] Now, if you think that protecting conventionally-armed cruise missiles from the 500 to 5,500 kilometer range, if you think protecting the ground-launched basing mode for cruise missiles is more important than that concern that I just stated, then we made the wrong decision. [Deleted.]

We can create those problems for them with SLCM's and ALCM's. Now their exploitation of SLCM's and ALCM's is going to be a problem for us, just like every weapon that they build. However, I am certainly not proposing that we trade them all off. [Deleted.]

Senator **Quayle**. In your analysis and your assumption on potential capability of the Soviets of deploying all these ground-launched cruise missiles—I am just focusing on the conventional aspect; I am not looking at the nuclear—looking at just the conventional, was it the scenario that they [deleted].

General **Herres**. [Deleted.] Combine that with the breakout potential and the cheating potential, which are also problems for us, combine that with the potential for them to equip them [deleted] you put all that together and on balance we judged that we are better off to do away with them, that our strong suit is not there.

Senator **Quayle**. But your concern, the concern that the Chiefs had was the military potential of a lot of ground-launched cruise missiles?

General **Herres**. Not by itself. It is a combination of these things.

Senator **Quayle**. Let me just get this down, because I have got this moving target out there and I am trying to figure out what my target is, and every time I try to zero in to get the rationale, as soon as I think I am getting to the point and asking a few questions——

Senator **Gramm**. You know we have got second bells on a vote.

Senator **Quayle**. OK. Let me ask the question. I am going to come back. I guess I am the only one that has any more questions. But give me my targets. OK.

Military potential.

General **Herres**. Let me rattle them off for you. They have a larger geographic basing area within which to base these. It improves their locational uncertainty and survivability for this category of weapons over what it would be for us based in a densely populated, smaller central Western Europe.

Senator **Quayle**. How many are they going to deploy?

General **Herres**. The second advantage they have is they can [deleted] there is no reason to think they would not do that with GLCM.

The third is that we cannot assume [deleted]. The fifth—and this has been talked about a lot, and is very, very important; in some people's minds the most important, but not the only reason and that is why I put these other four first—is that the breakout potential is much higher with conventional GLCM's in the Soviet inventory because [deleted] the HE warheads could be exchanged for nuclear warheads [deleted]. The training and testing infrastructure would be in place, and functioning, and there would be literally no startup time after nuclear warheads were installed.

Senator **Gramm**. It is easier for them to cheat and more likely they would cheat.

Senator **Quayle**. But my point, and I am not going to get to it and you are not going to be here—my point is if they want to do this, they can do it even with the treaty.

I am going to go and come back. I just want to go through these criteria.

General **Herres**. And I want to talk to you, too, because there is something we have been trying to get to you on.

[Whereupon, a brief recess was taken.]

Senator **Quayle**. I am going to go back and try to go through these issues here. Let me just look at the geographic issue that you brought up. Certainly the Soviets have much more land, but don't we have a geographic problem because of how we are concentrated and in particular the increased vulnerability of our airfields and ports and some of our very tempting targets early on? I mean, don't we have a target disadvantage because we are fairly well concentrated?

General **Herres**. A vulnerability.

Senator **Quayle**. That is a better choice of words—a target vulnerability which should be of great concern to us.

General **Herres**. It is, [deleted]. I have got a diagram here that is helpful. At least on one side it shows you ranges from places where we could base a ground-launched cruise missile.

This is part of a study that the Joint Staff did to look at what the asymmetry might be, but you can see the various range marks. [Deleted] and you turn that around—do we have a copy of the others?

What happens is you get a large area out here in which they can base a ground-launched cruise missile, [deleted].

Senator **Quayle**. It seems to me that they can [deleted].

General **Herres**. No. [Deleted.]

Senator **Quayle**. [Deleted.]

General **Herres**. [Deleted.]

Senator **Quayle**. Under the treaty now.

General **Herres**. [Deleted.]

Senator **Quayle**. [Deleted.]

General **Herres**. That is right. That is exactly right.

Senator **Quayle**. But our vulnerability would be increased if we had some more targets out there, which would be the ground-launched cruise missile, if we had it. Do you see what I am saying? We would be able to increase our number of targets and lesson our vulnerability.

General **Herres**. But that goes both ways because if they have them, then we have got more targets to go after, too.

Senator **Quayle**. [Deleted.]

General **Herres**. That is a good question.

Senator **Quayle**. To me it seems that they have got enough right now.

General **Herres**. [Deleted.]

They are not able to do this sort of thing now.

Senator **Quayle**. They cannot do this sort of thing now nor would it be of any real military utility for them to do it now, [deleted].

General **Herres**. I think if they were going to do it now, [deleted].

Senator **Quayle**. If in fact they wanted to, say, have these cruise missiles, if they wanted them and they thought they needed, then, which I am not so sure how much——

General **Herres**. I left out one other category, [deleted].

Senator **Quayle**. [Deleted] right?

General **Herres**. It is right on the edge. It is inside.

Senator **Quayle**. It is inside. [Deleted.]

General **Herres**. It depends on where they put it, how far they back off.

Senator **Quayle**. [Deleted.] Right?

General **Herres**. That is right.

Senator **Quayle**. So they do not gain that much more.

General **Herres**. [Deleted.]

Senator **Quayle**. [Deleted.]

If they really wanted to do it, if they really wanted to do it and they thought it was in their interest, they could in fact do it and be treaty-compliant.

General **Herres**. I am not pretending that we are denying them the capability to hit those kinds of targets. We are denying them the opportunity to exploit this particular category of weapons to enhance their capabilities.

Senator **Quayle**. If they really wanted this category of weapons, they could get it very easily in the treaty because there is no way we can verify it. There is no way that we can verify how far a cruise missile is going to go.

General **Herres**. That is hard.

Senator QUAYLE. You cannot do it. If you tested at 450, depending on how far you flew it, to fuel exhaustion—it depends on what size of a warhead you have on there—there are all sorts of things. If they really wanted, they could in fact have it deployed and they could have confidence. I just do not think they are going to do it.

I just do not see the military advantage to them. That is why when we come back and come down on this military side of what we think that they are going to do, I have a hard time—I guess I have a hard time appreciating the importance that you attach to it. I do not have a hard time appreciating—Ambassador Glitman basically said this in the closed session we had Friday—that the driving issue from his viewpoint was this whole verification thing. [Deleted.]

And I can see his point. He did not want to come up to Capitol Hill and basically say it is very difficult to verify this, Senators, on this particular issue. And I think that was really the driving force, at least from his viewpoint.

Now from your viewpoint that was one of the factors.

General HERRES. It was probably the most important factor in most people's minds. In addition to that, when you lay these other arguments out, and I think in each of the Chief's minds, it makes a very convincing case that allowing conventionally-armed ground-launched cruise missiles in central Europe in this range bracket gives us more problems potentially—potentially—through the life of this treaty than we can make for the Soviets with that kind of a system.

Now let me address one point, because you did kind of mix a couple of things up. I agree with you that they are going to go after those targets. There is no question about it. They just have to find another way to do that. The question is, how hard have we made it for them to go after those targets? We have made it harder for them to go after those targets with conventional and chemical weapons than would otherwise be the case.

Clearly they could cheat. They would have to cheat on the margin, if they are going to to use the technique of taking a weapon that is declared for less than 500 kilometers and stretching it with a lighter warhead or use some other technique. But we force them to base it further forward, which makes it more vulnerable to our dual-capable aircraft, which would not have to penetrate as deeply to go after it as they would when it is set back 1,000 kilometers, perhaps, or 500 kilometers from the one that would have to be close to the FEBA.

So that is a different situation that you describe when you say they are going to go after those targets even with this prohibition in the treaty.

What I am contending is that without this prohibition we would have made it much easier for them to go after those targets and perhaps allow them to then divert the resources they would have to dedicate and commit to those targets to other purposes.

Senator QUAYLE. It seems to me—and I think I comprehend it and I am not exactly sure how the building blocks were put into place—but it certainly appears that the whole thrust of this drill was created by this verification problem. If we did not have that verification problem, we might not have gone in and looked at all the military equation and whether the tradeoffs were worth it.

I think it is fair to say that the verification drove us to go back and look at this and put the building blocks together and say we can concoct an argument that we are not really giving up that much militarily, and even concoct an argument that it might be militarily advantageous for us to accept a Soviet position that we have in fact rejected for a long period of time.

I mean, I think you get the drift of this whole thing.

General HERRES. What you might call a serendipitous result of the whole exercise.

Senator QUAYLE. We decided because of the verification that that stake driving right down the middle, and we were able to go back and create the scheme and say OK, you Soviets, you did not know this, but it is really in our interest to take your position and there we are.

But it gets back to the chairman's point that he has made all along, and my concern that is the driving force and how do we in fact get around that in ALCM's and SLCM's. That is the fundamental question. How do we? We say that, but a lot of people also said, gee, you know—not you, but a lot of people in OSD in particular, the [deleted] had briefed you all, I think.

General HERRES. On the strategic nonnuclear weapons.

Senator QUAYLE. And ground-based.

General HERRES. [Deleted.]

Senator QUAYLE. [Deleted.] I think they also briefed you on that.

General HERRES. [Deleted.]

Senator QUAYLE. I am told they were very—and many were saying do not bargain away the nonnuclear conventional cruise missile. There were a lot of people strongly recommending that. There were a lot of people that were recommending that. And I just do not know how.

The position was for so long that we were not going to ban this, and then all of a sudden at the end, primarily for the sake of verification, we had to. When we get into this drill in START, how do we not have a similar result?

That is my fear.

General HERRES. Let me address the point. The advocates at the time—and you know this because we had a telephone conversation right in the middle of that heated debate—were saying let us not let ground-launched conventionally-armed cruise missiles be captured in this prohibition, where I never heard a single one of them address the question of what it meant for us to deny the Soviets that capability. They only looked at it from our viewpoint. They never looked at it from the viewpoint of what you deny the Soviets, which I think is a narrow look that tends to invalidate the arguments that they were making.

Because if you look at the Pershing, for example, just from the viewpoint, from that viewpoint, and not what you deny the Soviets, then obviously we would not have included the Pershing.

Now what about the ALCM and SLCM? Senator, I could not agree with you more. It is important for a lot of reasons, [deleted] that we protect the conventional air-launched capability and the sea-launched conventional capability. It is not going to be a bipolar world forever. In fact, we are already seeing lots of changes in that.

And there are going to be ever-increasing needs for the flexibility that these standoff weapons can provide us. I do not foresee requirements in the near future—probably in the long-range, but in the near future I do not foresee requirements for a large quantity of these weapons because it is an expensive way to put a couple of thousand pounds of HE on a target. You spend $1.5 million or $2 million for a missile or, as Senator Glenn said, you know, you can load up an airplane with HE and have lots of megatonnage of HE equivalent. That is an expensive way to conduct warfare.

And you frequently will find yourself running out of good targets for that kind of weapon. There are plenty of good targets, but there is a limitation as to how many you might want to hit with these weapons. The world will change, and the richness of target environments will vary as time goes on.

But in the near term they are going to be expensive delivery systems. The guidance system is expensive. You take a perfectly good engine and perfectly good airframe and completely destroy it when you get to the target just to put that much HE on a target. Now with a nuclear warhead it is quite different, obviously, because of the kind of damage that you can deliver. But there are any number of very important targets for which we must preserve this capability to hold at risk.

Now in our view you have to draw a line in the dirt on the ALCM and the SLCM.

Senator QUAYLE. By saying that in the near term, are you saying that there is not going to be that much of a requirement?

General HERRES. I am saying there is requirement for a limited number. In other words, I do not see us deploying, proliferating our inventory with conventionally-armed long-range cruise missiles like you do bombs, for example, because it would cost us a lot of money to do that. I do see us building and wanting substantial numbers of them.

Senator QUAYLE. I guess, you know, you get into what your costs are going to be on these cruise missiles. I have heard some costs of $1 million, $2 million, $3 million per copy.

General HERRES. That is ballpark for what you would expect to pay right now. [Deleted.]

Senator QUAYLE. [Deleted.]

General HERRES. I think we will.

Senator QUAYLE. [Deleted.]

[Whereupon, at 12:15 a.m., the committee proceeded into a discussion at the Top Secret/Special Access Required level.]

NATO DEFENSE AND THE INF TREATY

THURSDAY, MARCH 24, 1988

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

GROUND-LAUNCHED CRUISE MISSILES AND FUTURE WEAPON SYSTEMS

The committee met in executive session, pursuant to recess, at 10:24 a.m., in room S-407, the Capitol, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Wirth, Warner, Quayle and Gramm.

Staff present: Arnold L. Punaro, staff director; Carl M. Smith, staff director for the minority; Christine C. Dauth, chief clerk; Gerald K. Bankus, Robert G. Bell, Brian D. Dailey, Robert F. Bott, John J. Hamre, and William E. Hoehn, Jr., professional staff members.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Chairman NUNN. We will come back to order.

Let me ask this basic question and, Senator Quayle, you may have a follow-up on this one and I will defer to you.

Is General Herres coming back?

[Pause.]

My question—and this will be directed to Mr. Lehman but we welcome the comments of General Herres, if he wants to comment on this—bears on the treaty interpretation issue.

The INF Treaty bans all GLCMs of INF range that are "weapons delivery" vehicles. The question arises as to the definition of what is a "weapons delivery" vehicle. The article-by-article analysis defines "weapons delivery" as any GLCM "flight-tested or deployed with any type of warhead device or simulation thereof."

This would appear to define "weapons delivery" rather narrowly, since one can think of many other methods of destroying a target other than a warhead—for example, lasers, microwaves, or even direct impact kinetic kill.

In his testimony before the committee last Friday—Senator Quayle has alluded to that—Ambassador Glitman presented a much broader definition of "weapons delivery", contending that the two sides had reached a common understanding that it meant anything that destroyed the target.

Our search of the negotiating record to date has turned up nothing that sheds any light on which of these two possible interpretations is correct. That does not mean there is nothing on the subject, but it means we have not found it.

So my question to you, Mr. Lehman, is what is the definition of "weapons delivery?"

STATEMENT OF HON. RONALD F. LEHMAN, ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY POLICY, ACCOMPANIED BY JOHN WOODWORTH, DEPUTY NEGOTIATOR, INF TREATY

Ambassador LEHMAN. Senator Nunn, let me say I do not think it is clearly a broad versus narrow or one versus the other interpretation. There are inevitably going to be shades of differences, gray areas, and dividing lines.

Now this question has been asked. I wish I could give you a definitive answer this morning. I am not in a position to do so. We are reviewing the record very, very carefully, just as you and your staff are doing. We want to make sure that we understand exactly what has been said to the Soviet Union in this regard.

We are being particularly cautious, and the reason we are being particularly cautious is that we do not want to find ourselves in a situation in which we are negotiating with ourselves—I do not mean just between the executive and the congressional parts, but even among ourselves—and also we want to make sure that when we give you the best answer we can give you that we have checked every source and done our very best job.

Now Senator Quayle has a number of questions, and they relate, many of them, specifically to this point. I am, unfortunately, in the position to say that Senator Quayle has sent me an excellent letter and I am working on the answer to that letter, but I am not in a position to answer that letter this morning.

So I am continuing to try to check this out. Now I have John Woodworth here. He can address the INF record as he understands it. At this point I think you will find that there was not extensive discussion on this issue, but you will also find that there is a long history of what these things mean. So we want to make sure when we give you that definitive answer we have got it right.

Chairman NUNN. Mr. Woodworth, do you want to talk about this? Would you identify yourself and your position for the record, and then do you want to give us your view?

Mr. WOODWORTH. John Woodworth. I was the deputy negotiator on INF.

Senator, I do not want to judge specifically what Ambassador Glitman said or comment on that directly. However, to my own recollection of conversations that I was engaged in or others of which I am aware, we did not discuss with the Soviets in terms of the meaning of "weapons delivery" the kind of technologies that have been raised by members of the committee, Senator Quayle and others, in any explicit sense.

I think in our discussions of this and what "weapons delivery" is, although it was not discussed explicitly, I think there was sort of a common understanding about weapons, but in the conventional sense in which we think of them, and those that are associated with the weapons that were under discussion. But that would be in the sense of sort of an implicit understanding in the context of those discussions.

But I think that would reflect the nature of that. There were no explicit discussions of the kind of technologies we are talking about.

Ambassador **Lehman**. Senator Nunn, I know this is not an ideal answer, but what I am asking is the indulgence of the committee to let us make sure that when we give you the answer it is the right answer.

Chairman **Nunn**. Well, we will certainly give you that. We want the right answer. What we have is a conflict now between the article-by-article analysis and the Glitman testimony.

Ambassador **Lehman**. We are trying to make sure that we handle this very carefully.

Chairman **Nunn**. If you superimpose on top of that the Culvahouse letter, you have got a situation where we are basically told the article-by-article analysis governs, and there is a sort of priority of testimony, and the Culvahouse letter is, I think, erroneous. But that is what we have before us.

This is a big thing here. We have a conflict where the article-by-article analysis has been basically clarified and in fact amended by testimony. So we have the Culvahouse letter, which says the article-by-article analysis governs, and we have testimony which conflicts with the article-by-article analysis, and which in fact we went through and the witnesses actually testified that the article-by-article analysis was not indeed as precise as it should be.

So that is another problem, and we have got to get answers to this. Now I was going to ask this question. Are there any special access programs currently funded or in the 5-year defense plan that will be affected as a result of the treaty's provisions?

But, Senator Quayle, you may want to ask other questions first. My own analysis is the rest of my questions cannot be answered until the first one is answered.

Senator **Quayle**. I think that the question and the way you phrased it is precisely the question that I have been asking and you have been asking all along. And the thing is, Ron, I am adamant—and maybe I will not get my way; I have not talked specifically with the chairman, but I believe that we must get as specific as possible on what you think is banned by this treaty in the future, because I do not want to leave that open or gray to some future Congress or some future interpretation of the Soviets.

I am going to push this issue as hard as I possibly can. I think we want a letter or whatever the chairman requests as far as a formal statement from the administration specifically on these questions that we have raised and we have not been able to get answers. The chairman is absolutely right. The testimony we had on Friday went so far that for a while even a jamming capability could possibly be a weapons delivery system.

I think the record will show he (Ambassador Glitman) sort of backed off—saying "I am not speaking authoritatively in this area"—and we would have to go back and look at it. But it was a very, very shocking revelation to me which went way beyond the State Department analysis that was sent to us. And that is why we have got to nail this thing down.

The [deleted] is not something new. This [deleted] is not only not something new, but it is a question that has been around, which we cannot even get an answer for. So please take your time. This is a very, very important issue as far as I am concerned.

Chairman NUNN. I completely agree with you. This is déjà vu all over again. This is where we were on the ABM Treaty. It is so similar it is scary.

Senator Gramm.

Senator GRAMM. My point is I do not care what the Russians think the agreement is. I care what we think the agreement is, and I would like to get Members of the Congress, in voting for it, to all agree on what we agree on. I do not fear the Russians; I fear the Congress.

And my fear is that we are going to come back 2 or 3 years from now and we are going to be debating some new weapons system, and all of a sudden we are going to have Members of Congress saying, wait a minute. That is a violation of the INF Treaty. And, of course, the Russians are going to say well, it damn sure is a violation of INF.

So I think that is why it is so important that we all know precisely what we have agreed to because I think in some of our other agreements that has not always been the case, and I think we are suffering because of it.

Chairman NUNN. I must say I agree with half of what Senator Gramm has said.

Senator GRAMM. Which half do you disagree with?

Chairman NUNN. I fear the Russian side, too. I mean, I think we have got to know what it is that they can do without being in violation. I mean, I think it is two-edged.

I agree with your part about our having to know ourselves, but I also believe we have got to know what they can do and cannot do; otherwise, we have got a treaty under which we really will not know when they are even creating a violation. I agree with Senator Quayle's statement about how important it is. I think it has got to be clarified.

Ambassador LEHMAN. Senator Nunn, I appreciate what Senator Quayle and you and Senator Gramm have said. We agree also. We think that we have got to make the record clear. But let me be say a number of points.

One is with respect to whether what one person says and another person says differs. It is very hard to guarantee that every nuance of every piece of testimony is exactly the same. We do not want a situation where in the end someone says gotcha. So and so said something, and you are constrained. That is why I am asking that we go through this with the committee very, very carefully.

The second thing is that we are concerned about the possibility that we might find ourselves constrained and the Soviets not be constrained, or that we might think that they are constrained and they think they are not constrained. But let me be very candid. In the end, all we can give you is the truth, as we understand it, and if the negotiating record is ambiguous, the negotiating record is ambiguous and you are going to have to make a judgment as to whether you can live with that, you think that is a good idea, or whether something has to be done about that.

I cannot invent answers to questions that were not answered.

Chairman **Nunn**. Mr. Lehman, I agree with that, and I think that is an honest approach. I think if the answer is not there, then there is no pretending it is there. We will get ourselves in more trouble, then. If we have to clarify it, now is the time to clarify it.

It may very well be that we could come out with our report saying this is a matter that has to be clarified before the Senate votes and give the administration some time before we even decide whether to have an amendment.

But my feeling is, if it is not clarified by the administration by the time we vote, then we have got to have some amendment. The issue has got to be forced, as I see it. But I am not rushing out saying we have to have a killer amendment now, but I do believe we will have to have one sooner or later if we do not get a clarification.

The ideal way to handle it, if you do not find anything on it in your records, if you conclude it still is ambiguous, the ideal way to handle it, as I see it, is to go back to the Soviets and say, look, we have got to get a clear understanding of this. I know that is a painful exercise, but it is a lot less painful now than it will be in 2 years, when Senator Gramm's scenario comes into play, which inevitably it will.

But let me just say one thing. This is not a nuance. This is not a slight difference in testimony. We have got an article-by-article analysis that somebody wrote. The article-by-article analysis says "thus, GLCMs are those types of ground-launched cruise missiles that have been flight-tested or deployed for weapons delivery—i.e., flight-tested or deployed with any type of warhead device or simulation thereof."

So somebody wrote that. Now, the question is, did they know what they were writing when they wrote it.

Ambassador **Lehman**. Senator Nunn, they knew what they were writing, but those may not be all the words that can be said on the subject. And that is the process that we are working on.

Chairman **Nunn**. I assume you would be willing to stipulate for the record here this morning that the article-by-article analysis is not sacred, nor does it necessarily occupy higher ground in the form of testimony than other testimony, would you?

Ambassador **Lehman**. Senator Nunn, what I am prepared to say is that I do not preclude the possibility that in one form or another, be it testimony or documents or letters or whatever, that somebody did not get it right at some point in time. But that is why we are here. In the end, we have got to do the best we can.

But I would like to open up another possibility for the consideration of the committee. And this is a general statement. In the end, there will never be perfect clarity with respect to the future. There cannot be. At some point you have to draw a line. And so if what we want is perfect clarity, that may be a different standard than may in fact be achievable.

It is going to have to be a judgment call.

Chairman **Nunn**. You mean that the Department of Defense is—that you are—willing to go into a treaty that we cannot sit here right in advance and tell whether it bans some of the critical programs we have got in the process of R&D right now?

Ambassador **Lehman**. No. When we get into that discussion in the next session——

Chairman **Nunn**. There is a long way between perfection and this. I do not think any of us are looking for perfection.

Ambassador **Lehman**. Senator Nunn, I think in terms of the known, you have talked about the 5-year program, compartmentalized. When we go into that session I think we can have a good discussion. What I am talking about is the unknown unknown, or some of the hypothetical unknowns about possible futures.

There I am just saying that I am not so sure how much clarity in the end one can get. I am, speaking personally, not so sure how much clarity one really wants to force in this process.

Chairman **Nunn**. I do not agree with that—not in an area this big.

Senator **Quayle**. I think the chairman is right on. If there are ambiguities, tell us what the ambiguities are. Then maybe we will have to figure out how to deal with those ambiguities. I would like to know, from your viewpoint, what is ambiguous in this treaty that you cannot give us an answer to specific questions. If there is ambiguity, let us know.

Chairman **Nunn**. Senator Gramm.

Senator **Gramm**. I am not sure. I think basically our concerns are the same, but let me tell you what I think I need. The way I look at the record of the negotiations and this whole issue of the record versus what people are saying to Congress, I do not get too excited about it.

I sort of view the record as being the negotiations I had at the gun store when I bought the shotgun. And then what is said to Congress is sort of like the explanation I give my wife. And I think probably that the negotiating records, though they may be confusing, are probably more accurate.

Chairman **Nunn**. I think that was the Iran-Contra standard of testimony to Congress.

Senator **Gramm**. I am not a lawyer, so I am not confused about these issues. But my guess is that if I were a lawyer I would be on stronger grounds with what the negotiating record said or what I said at the gun store versus trying to introduce evidence of what I told my wife.

But what I am looking for here, which may be different than what other people are looking for, what I am looking for is not an ability to say there is absolutely no ambiguity in the negotiating record or in the treaty or anything else. My guess is—and I have not read all of the negotiating record, and I feel sorry for the person who has to—but I have looked at enough of it and listened to our staff enough to know that it is like the Bible. You can pull anything out of it you want.

So I am not asking that you come up with a way to eliminate all ambiguities. I just do not think that is possible. But what I would like to know is, I would like to have a way that we could come to an agreement as to what we agreed on.

Again, I am more concerned about what Senator Nunn is going to think we agreed to 2 years from now than I am about what the Russians are going to think that we agreed to 2 years from now.

Chairman **Nunn**. I am not sure whether I take that as a compliment or not. I am going to have to think about that. [Laughter.]

Senator **Gramm**. My point is, Sam, that it is more relevant to the things I am interested in, because I figure the Russians think it is to their advantage, that they are going to cheat, and we are going to come up with an excuse for it.

But what we think we have agreed to is very relevant because it is going to be more binding on us than this treaty is, in some ways. So what I am looking for is not elimination of any ambiguity. I am looking for somebody who can say this is what, if you look at the whole picture, the whole deal, this is what we have agreed to.

And then when Sam votes for the treaty or when Dan votes for it or when I vote for it—and it may be the case that the Russians say hell, no, that is not what we agreed to—at least we are not going to come back 2 years from now and have that introduced as an argument about whether this new weapons system does or does not violate the treaty.

So it is not a question of you eliminating all the ambiguities. I do not think that can ever be done. It is a question of cutting through all the ambiguities and getting down to the kernel of the facts.

Ambassador **Lehman**. Senator Gramm, I agree very strongly with the spirit in which you said that. We will give you the truth, as we can best determine it. And I am saying that there will be a lot of things that people may think are ambiguous that will turn out to be quite clear. There will also be some things that are going to turn out to be ambiguous. And then you have to weigh how serious are they.

Let me give you a frivolous example. The treaty refers to "unmanned". We never discussed women. Now is that an issue? No, obviously not, because I think we all understand what that means. Now as you walk it back one finds that there are going to be questions in there of did you discover this or that—questions that have significance—and there may yet be some ambiguities.

But we are going to try to give you the best answer.

Chairman **Nunn**. Let me run through just a few of these questions on special access programs. We have got 15 more minutes.

Mr. **Punaro**. Why don't we go ahead and clear out the room of the people who are not cleared for the special access programs?

[Pause.]

Chairman **Nunn**. My question is, are there any special access programs currently funded or in the 5-year defense plan that will be affected as a result of the treaty's provisions? I ask these questions and you can caveat them any way you want to until you get the answer to this basic question. But do we know of any programs right now that will be affected by the treaty's provisions?

STATEMENT OF GEN. ROBERT HERRES, USAF, VICE CHAIRMAN, JOINT CHIEFS OF STAFF

General **Herres**. No, sir. There was a question about—my mind has gone blank—the joint program—not Seek Spinner but the other one—Tacit Rainbow. The question about Tacit Rainbow. The [deleted] could exceed. If you took its loiter time and stretched it out into a straight line, it would [deleted]. But it is not, of course, covered by the treaty because it is air-launched.

The ground-launched version of Tacit Rainbow will not exceed the 500 kilometer range.

Chairman NUNN. Remind us what Tacit Rainbow is.

General HERRES. Tacit Rainbow, the Air Force version of it, is really a [deleted].

Chairman NUNN. And the ground-launched version does not have a range out to [deleted] kilometers?

General HERRES. The ground-launched version will be the Army's version, and it will be [deleted]. Now it, of course, can carry [deleted].

Senator GRAMM. Even including the loiter time, where it is seeking information?

General HERRES. That is the air-launched version.

Senator GRAMM. The air-launched version does not loiter and send information?

General HERRES. It will fly to a target. It will have to have a predesignated target.

Senator QUAYLE. Can I ask a question?

General HERRES. I should not say out of hand it does not have any loiter capability, but the mode of operation is not the same. It is for a different purpose. It has [deleted].

Senator QUAYLE. Does the ground-launched Tacit Rainbow, go up and loiter? Does it do the same function as the air-launched variant? I believe that Tacit Rainbow loiters and then collides with a target. Is that a weapons delivery system?

General HERRES. Yes, sir.

Ambassador LEHMAN. It has a [deleted].

General HERRES. The ground-launched version, though, will not be built to go 500 kilometers.

Senator QUAYLE. So, in other words, the ground-launched version of Tacit Rainbow would be a violation of the treaty if it went over 500?

General HERRES. If it did, it would.

Senator QUAYLE. It has a [deleted] in it?

General HERRES. [Deleted].

Senator QUAYLE. What is the [deleted]? I thought the RPV itself——

Ambassador LEHMAN. It has a small——

General HERRES. There are several options. There is [deleted] that can be [deleted].

Senator QUAYLE. I am not talking about [deleted]. I am talking about if in fact there is an actual [deleted].

General HERRES. That is right. When I say [deleted] I mean a [deleted] that is in the missile.

Senator QUAYLE. I think with Tacit Rainbow the warhead is the vehicle itself [deleted].

General HERRES. That is right.

Senator GRAMM. But it has a [deleted].

General HERRES. That is part of the missile.

Senator QUAYLE. What is the part that is the [deleted]?

Ambassador LEHMAN. There is about a [deleted], I believe. Just speaking from memory, I think it was about a [deleted].

General **Herres**. There is a [deleted].

Mr. **Hoehn**. The plan for the Army ground-launched variant will have [deleted]. That is why it does not fly and exceed the 500-kilometer range. However, that is not an externally-verifiable characteristic.

Ambassador **Lehman**. That is a different question. But it does have a [deleted].

Mr. **Hoehn**. It [deleted].

Senator **Gramm**. So if it went over 500 kilometers it would be a violation.

Chairman **Nunn**. But you are also saying it loiters.

Mr. **Hoehn**. It does loiter and can loiter up [deleted].

Ambassador **Lehman**. But the range we are talking about includes the loiter.

Chairman **Nunn**. So even with a [deleted] loiter here we are still told it does not exceed the 500 kilometer restriction?

General **Herres**. The air-launched version goes [deleted] kilometers and has a [deleted] loiter. The ground-launched version will not have a straight-line range in excess of [deleted] kilometers. It is going to be built that way. If it does have more than 500 kilometers, it would be a treaty violation because it would be a conventional ground-launched cruise missile.

Now there are several options for warheads, and I think we have got a problem of everybody is thinking of [deleted] in a different way. It can [deleted] or [deleted], if you want to call them that. That may be an option. Or, it can fly [deleted].

Senator **Quayle**. Either way, you would define it as a [deleted]?

General **Herres**. Well, the [deleted], of course, would be in what is [deleted]. If you use that particular mode, the [deleted]. [Deleted], it explodes, like a typical, standard ground-launched missile.

Senator **Quayle**. So if you did not have that [deleted] in there, would it not be a weapons delivery system then?

General **Herres**. Well, that is the weapon, that is true. If it were not in there, it would not be a weapon.

Senator **Quayle**. If you did not have it in there, then it would not be a weapons delivery system because that is how it is caught by the INF Treaty.

Senator **Gramm**. If the objective is to destroy a target and if it is going to destroy it with residual fuel, it is a weapons system.

Senator **Quayle**. That is debatable, Phil.

Ambassador **Lehman**. Senator Quayle——

Senator **Gramm**. I think that is pretty clear.

Senator **Quayle**. You can destroy systems by jamming. Are you going to count that as a weapons delivery system?

Senator **Gramm**. No. I am talking about coming in and blowing it up. You can do it with residual fuel.

Senator **Quayle**. What about [deleted]? You can destroy it by [deleted]. You see, these are programs that we are currently researching.

Senator **Gramm**. Well, the key, I think, is the range and the ground launch.

Senator **Quayle**. No. The key is whether it is weapons delivery because you can have the range as long as it is not weapons delivery.

General **Herres**. One thing is what types of payloads are weapons and warheads and what types are not. The answer on Tacit Rainbow is it is not prohibited by the treaty. It is in the program. It is being funded, and it is not prohibited by the treaty.

The only program we have a problem with, and the JROC—Joint Requirements Oversight Council—recommended doing away with this program a year ago because it is redundant to other stand-off programs, is Seek Spinner. [Deleted] kilometers range, would be ground-launched, and that system was recommended for deletion a long time before we were ever discussing ground-launched cruise missiles being a treaty issue.

Senator **Gramm**. What does it do, General?

General **Herres**. It is a ground attack conventional cruise missile, propeller-driven. And the Secretary, over a year ago, some time back was concerned about duplication of programs of this nature, and he asked that OSD take a look at that. The Joint Requirements Oversight Council, even before I became its chairman, last year looked at this and recommended to the Secretary that Seek Spinner be deleted in order to reduce the redundancy in the stand-off weapons programs.

But there is the rumor that Seek Spinner was eliminated because of the treaty. I assure you it had nothing to do with the treaty. I have a copy of the letter that General Morgan signed out on the conclusions that the JROC reached on that specific issue—Seek Spinner versus Tacit Rainbow.

Chairman **Nunn**. General, are there any technological applications you are aware of, including any being explored under special access security procedures, that will be affected by the provisions of the INF Treaty?

General **Herres**. I cannot answer that, Senator, because the application would not tell me. The technology itself would not tell me unless I knew specifically it was going to be applied in this window of ranges.

There are some technologies, I am sure, being exploited which, if applied in this window of ranges, would be prohibited by the treaty on ground-launched platforms.

Chairman **Nunn**. Well, let me ask you a specific here. The Army's [deleted] programs were exploring [deleted] for possible application to weapons systems. One potential application was integrating these technologies into a cruise missile for use in attacking and destroying the [deleted].

Would a ground-launched cruise missile incorporating such technology be considered a weapons delivery vehicle and, therefore, banned, if the missile range was between 500 and 5,500 kilometers?

General **Herres**. That is probably in the gray area. That is one that has to be looked at.

Chairman **Nunn**. We will have to get the basic answer on that one first.

[Deleted.]

Would a ground-launched cruise-missile or ballistic missile that would deliver these kind of [deleted] be considered a weapons delivery vehicle and, therefore, banned, again if the missile range was between 500 and 5,500 kilometer?

General **Herres**. Again I think that is in the gray area.

Ambassador **Lehman**. Senator Nunn, clearly there are things which are not weapons systems by anything—for example, sensors—that would not be covered. But many of the answers to these specifics go back to that basic question that you asked, and when we can present that answer to you I think we will be in a better position.

The point we are making is that with respect to programs that we have currently funded or in the budget there are no programs that were killed as a result of the INF Treaty, other than the ones that everyone knows—the P-II and the GLCM—that would be affected.

Now that is not to say that one could not have a system that one would have to constrain the range. Let me give you an open system, a follow-on to Lance. As you know, many of our allies are interested in having the range be fairly long. Okay. But everyone has agreed the range should be under 500 kilometers.

If somebody came in with a follow-on to Lance that met our requirements and it had an amazing fuel and rocket package, and it could go over 500 kilometers, we would have to constrain it; otherwise, it would be prohibited. So there are constraints.

Chairman **Nunn**. Let me ask you four other questions for the record that you do not have the answer now, because I think the basic question has to be answered. But this will just tell you where I think we have to get answers.

One, are there any weapons systems currently in the demonstration/validation phase of development which cannot proceed because of constraints imposed by the INF Treaty? General, I will give you a copy of this, if you would like it.

Two, are there any weapons systems currently in full-scale development which cannot proceed because of constraints imposed by the INF Treaty?

Three, are there any weapons systems currently in development at any stage which would have to be changed or modified to conform with restrictions imposed by the INF Treaty?

And, four, is there any validated military requirement for which no conventional weapon system currently exists which we will not be able to meet in the future because of constraints imposed by the INF Treaty?

Those four I think we need to have addressed. Probably Senator Quayle's letter covers that.

Senator Gramm.

Senator **Gramm**. Let me be sure I understand your answer and sort of throw something out to you. If you have got a system such as these seekers we were talking about to go in and destroy with an explosive, that have a range over 500 kilometers, that is clearly a violation.

You are saying if you have got a device that simply goes out, senses things, and acquires information, that is clearly not a violation.

Ambassador **Lehman**. That is correct.

Senator **Gramm**. The reason you excluded the cruise missile, conventional cruise missile, was because of the substitutability of one warhead for another?

General **Herres**. One reason.

Senator GRAMM. As I understood it, that was the principal logic of its exclusion, was the substitutability.

General HERRES. Well, of course everybody probably came down a little bit harder on one argument than another, so I hesitate to tell you that there is one specific reason. You know, this is obviously not a simple issue. And when the Chiefs debated it you had five different minds. But that was an important reason, clearly, in the minds of all.

Senator GRAMM. The logic I throw out is that clearly you could substitute a bomb for a sensor. So I would argue that if the system is going to destroy with non-explosive that it ought not to be covered, that it ought to be a capacity to carry a conventional explosive and therefore substitutability of a nuclear explosive—that that ought to be the dividing line, if in fact you are going back and deciding what the dividing line really is.

That is a logical division, in my opinion. My guess is you did not make an agreement, that anybody clearly understood where the dividing line was. If I were going to draw the dividing line, that is where I would draw it. If it carries a conventional explosive it would be included because of the substitutability and because you have outlawed that.

On the other hand, if it is going to come in and destroy something with [deleted] or jamming, I would think that would be excluded. That is where I would draw the line.

Chairman NUNN. In other words, by "excluded" you mean you think it should be permitted?

Senator GRAMM. Yes.

Senator QUAYLE. That is a good observation.

Senator GRAMM. I think that is a logical dividing line. If you do not have one, I would go back and pick that one.

Ambassador LEHMAN. Senator Gramm, I would urge you not to lock in a dividing line until we have had a chance to come back with a full record for you.

Senator GRAMM. I am not in the dividing line business; you are in the dividing line business. I am just saying that is the one I would pick, if I were in your business.

Ambassador LEHMAN. I do not urge you to go into this business, even if I am already in it.

Chairman NUNN. I think wherever you draw the line, wherever you try to draw the line, we have got a record right now. The Ambassador's authoritative testimony—as far as we know—is that anything that could destroy is covered so that would differ from that line. If that is the line that is being drawn, we have got a whole record to correct and need to make sure we understand it completely.

I am not sure. I think you have to think through it very, very carefully. You have got to think through the question of what you want the Soviets to be able to do very carefully.

Ambassador LEHMAN. Senator Nunn, one thing I can say honestly is that we are thinking this one through very carefully.

Senator QUAYLE. Mr. Chairman.

Chairman NUNN. Senator Quayle.

Senator QUAYLE. Ambassador Glitman, I think—and I would have to go back and look at it—I think after we got into all these questions and were going a lot of different ways that he did indicate that he thought maybe on this particular issue that he was not speaking authoritatively.

Mr. **Woodworth**. If I can recall, I think he did say that.

Senator **Quayle**. To his credit. I think once he got into these questions he could see that we were going this way and that way.

Chairman **Nunn**. Well, anything can be corrected.

Senator **Quayle**. So there are some contradictions in his own testimony. He realized that about three-quarters of the way through and he said let me just back up here. And I think he did say I am not the authoritative person on that. But the record will speak for itself.

Let me add a little bit to Senator Nunn's questions. I do not want you to come back and say here is the so-called dividing line, and just look at what is in the current budget or the 5-year plan.

I know that is not my concern. My concern is what is the potential. I think you should ask DARPA on this. I think you should ask the R&D folks in the services, even your contractors that you have got that look at long-range planning, that give you some of these ideas that are down there, the Defense Science Board, because I do not want you to come back and just give us an answer and say we do not have anything in the budget or the 5-year plan, because this is a much broader question than that.

And even some of the things, like RAND Corporation or similar organizations, that have looked at these things and give you some information, when we are talking about the future, we are talking beyond this 5-year plan, because I do not think there is any problem with the 5-year plan. But there is a problem down the road.

General **Herres**. Senator, I spent some time with the DARPA project officer on these programs yesterday. I do not think you have a problem, but we will give you that answer.

Senator **Quayle**. I think most of the time you have responded you keep referring to the budget or the 5-year plan. I want to make sure that the answer comes back much broader than that.

Chairman **Nunn**. I agree with you that it ought to go beyond that in terms of definition, but I think there may be problems in the 5-year plan. We have already identified several programs that could be a problem.

Senator **Quayle**. The Tacit Rainbow requirement is not there.

Ambassador **Lehman**. I think even in the case of Seek Spinner we chose to terminate that program, but it is not clear that that could not be a treaty-compliant program. We are simply saying that because of the way we were looking at it we were not looking for a range, an operational range which is different from the treaty range.

We were not looking at 500 kilometers, but we were looking at an extensive loiter time because of that technology, which is a propeller, which is a very fuel-efficient thing. If we wanted something like that under this treaty, we would have to make sure it could not go over 500 kilometers, including loiter time. And we think [deleted] could.

Chairman **Nunn**. Mr. Lehman, I know you have got to leave to catch a plane, so we appreciate your being here.

The way I see it right now, is that we are trying to get a report ready, finished today in terms of directions to staff, and staff will work on it in the next 2 or 3 days. We had hoped to have it early next week.

I think we have to raise a flag about this issue in the report and say that this issue has got to be settled before we vote on the floor. I do not know any way to avoid that. So I just would like to alert you to that.

Senator **GRAMM**. And remember that technology is on our side, not on the Russian side.

General **HERRES**. We are very much aware of that.

Ambassador **LEHMAN**. I have to say we agree very strongly with what you have said and we appreciate your understanding on the importance of this issue, and not putting at least an immediate deadline on us. We are not delaying. We are working very hard.

Chairman **NUNN**. We have got some time before we go to the floor, but I think the only deadline we have got is when the treaty finally passes. I think at that stage we have to have it clarified.

Ambassador **LEHMAN**. I would like to make one brief point before I leave, and that is that as we went through the INF process there were obviously lessons learned, and we think there are ways we can improve the process whereby we make sure that the left hand and the right hand knows what is going on.

But I wanted to make it clear for the record that assertions that the left hand never knew what the right hand was doing—that is to say that the negotiating process was blind to sensitive programs and vice versa—are not correct. There may be improvements we can make in that process, and in fact we have been looking at that and taking some steps.

But, for example, with respect to some of the programs that were mentioned—the [deleted], for example—I was well aware of that as START negotiator, and indeed we were being very cautious as we proceeded in the negotiations, because we wanted to make sure we understand how we want to proceed with something like that, and not to act precipitously.

So that is the only point I want to make, is that General Herres is involved in the process. We go through the services, we go through the R&D community. There may be improvements we can make, but we have tried to be very careful for exactly the reasons Senator Gramm has said. We recognize the value of our technology.

Chairman **NUNN**. Thank you very much. We will let you run to catch your plane, if you would like to.

Ambassador **LEHMAN**. I would appreciate it. Thank you very much, Senator. I appreciate your understanding.

Chairman **NUNN**. At this stage, General Herres, I know Senator Quayle has not gotten to ask his question on the ground-launched cruise missile.

Senator **GRAMM**. While we are waiting on Senator Quayle, could I ask the General a question? General, as I have been looking at this treaty, and I have started looking at article XIV, I think I have come to understand at least it is increasingly a consensus on this committee that article XIV says that while we cannot give the Pershing II to the French or the British or the Germans, for example, and while we cannot give them stages of the Pershing II, that we can give them the blueprints, that we can give them components, that we can sell them the machines to make the weapon, and in essence we can put them in the Pershing II business.

And also there seems to be a growing consensus as we look at this article XIV that the Soviets could do the same thing with Poland or with Czechoslovakia, and Romania.

Let me first ask you if that is your understanding and, I guess, if that is correct, if the thesis that I just put out is correct. I just do not see this treaty as being very meaningful. So let me split it into two questions.

Do you agree with what appears to be the consensus of the people in this committee that article XIV, as you understand it, would allow the United States and the Soviet Union to give components, but not full missiles, blueprints, but not stages, manufacturing equipment to our allies in Europe?

[Whereupon, at 11:05 a.m., the committee proceeded into a non-staff-restricted discussion.]

[Whereupon, at 12:15 p.m., the committee proceeded into a session at the Top Secret/Special Access Required level.]

Senator **Quayle**. On [deleted], as I told you earlier, I was down at Eglin Air Force Base working on seeing where they are going with the accuracy of the [deleted], and I was told by General Randolph in no uncertain terms, Senator, we would like to do that, and here is the capability. And they had three contractors out there working on some programs like [deleted], where we are getting to accuracy and things of that sort.

But we do not have a requirement. And I said, you mean I made this trip all the way down here to be told we do not have a requirement? And we spent half the day arguing about this requirement.

And I am surprised you have not brought that up today. Maybe you have gotten wise to the arguments. But one of the things we kept hearing as to why we gave up the GLCM was that there was no requirement. I was out of the room, but it is not on your sheet here, because there is no requirement for the [deleted] either.

And we get into that, when you get talking and JCS gives their viewpoint and the National Security Council and it goes up to the President, and you say there is no requirement for this. So why not go ahead and give it away.

Where are we on [deleted] on establishing this requirement for the [deleted] before we end up giving that thing away in START?

General **Herres**. I wish Randy had washed his mouth out with soap after he had said that. There are requirements. One of the problems is the term "requirement" means different things to different people in different contexts.

I do not mean to be didactic about this, but starting with doctrinal concepts which are the roots for the broadest kinds of requirements, and a good example of a very directly-related requirement here is follow-on forces attack, which is really a doctrine rather than a requirement for any particular doctrinal concept rather than for any particular program.

Now, from it a number of specific requirements flow. There are a lot of ways to get at the follow-on forces attack. But my answer to Randy would be you mean that there is not a requirement to be able to do deep-strike interdiction and follow-on forces attack? There is a requirement to do that, and there are requirements on the books for specific ways to do that, one of which results in [deleted], and there will be others.

But I will just give you an example. We are, incidentally, defining the FOFA concept and doctrine. One of the problems with FOFA is it is one thing in central Europe and something else somewhere else. We are putting together a multi-CINC or a CINC-coordinated concept for FOFA in J-7. We are bringing in General Otis and General Kirk from Europe to present the doctrine that has been developed in Europe, and then they will coordinate that with us.

And that will be the broadest and most authoritative form of a requirement for deep strike capabilities. That would be the foundation for defining needs for these kinds of systems. But there is an Air Force SON (Statement of Operational Need) which was validated in 1976 for modular stand-off weapons.

When we are talking about these systems, we are really talking about stand-off weapons. We are talking about how you get to these targets beyond the range of artillery and so forth. Advanced interdiction weapons systems is an operational requirement, a SON, 19 August 1987. There is a SAC SON which deals with an [deleted], or our name for it, a derivative for it would be [deleted]. And that is a SON that was updated as recently as last year.

There is a [deleted] that the Navy has that would be a [deleted] derivative. I think that program has got a few technical problems, but there is a requirement and a statement of operational need. I could go on.

There are a number of others. There is an autonomous guided weapons statement of need. There is a Tacit Rainbow statement of need. Tacit Rainbow is one of the narrowest forms of a requirement. If you think of the follow-on forces attack doctrine as the broadest form of requirement, Tacit Rainbow is a very specific kind of requirement which, for the Air Force application, is intended to specialize in [deleted] and exploit all of these kinds of technologies that we are talking about.

There is the Army's interest in using these kinds of weapons to go after armor. Now some of these things are hard to do, and they are expensive. But there is a lot of technological work going on in the unmanned aerospace vehicles and the remotely-piloted vehicles area.

So to say that there is not a requirement is almost to say we forgot what our business is, and our business is to go after the enemy deep. And there is a need to do that and we want [deleted] to do that. Under the Joint Requirements Oversight Council we have had these kinds of programs almost in constant review.

A year ago we did this review that I referred to earlier between Tacit Rainbow and Seek Spinner to decide what we ought to do about those two programs and settled on Tacit Rainbow because with one program we could meet the largest aggregate of requirements that could be collected and met by one program, where Seek Spinner only met a narrower range of requirements, and therefore we recommended to the Secretary, even though there still is money in the program, we did recommend to the Secretary that we go with the Tacit Rainbow program.

I do not know what more to say about the requirement except that it is kind of like saying what are the requirements for modernization of aircraft and so forth. We do have to modernize the force structure. We are pursuing it, and the fact that we are interested is manifested by [deleted], for example, which is a very low-cost, very clever solution to this program.

We could, if we really needed more of those systems, we could crank up the production line for the [deleted] million and for about [deleted] a copy we could put the air frames in production and produce more of these [deleted] weapons.

But right now, particularly looking at the budget cuts we are facing, it is probably not worthwhile to spend that kind of money with the opportunity ahead of us to use the [deleted] a copy and not have to build more air frames, because when the [deleted] comes into the strategic inventory for [deleted] we will probably have a large number of [deleted] available.

Right now, General Chain, CINCSAC, does not feel he can give up any more [deleted] requirement, and with the [deleted] that we have in the inventory we probably have enough.

Now when we get through with this follow-on forces attack doctrine review and we get through with the review we are doing of stand-off weapons under the Joint Requirements Oversight Council—incidentally, a report is coming over to the Congress on that, I think an interim report, in another month or so and then a final report this summer—we may at the end of all of that find out from the CINCs that they want more of these readily available, and we may have to have them.

The question will have to be put to them. We have X number of [deleted], and we have [deleted]. Do we need more until we have a capability to get them with [deleted]? Those are questions that we will have to address. So we are very conscious of the requirements.

Senator **Quayle**. Just a point on this and then I do not have any more questions. I just hope we do not get into this thing and somehow figure out that we are going to be constrained by budgets, that all of a sudden that looks into some decisions we make in arms control on this conventional cruise missile—in other words, saying if we have a constrained budget we probably will not be doing that much and we only want a certain number of [deleted] or a certain number of [deleted], and get into that and start asking questions.

I hope you do not come back and say well, yes, we can go ahead and limit that, because once you start down that road we are going to be right back to where we are with this on the ground-launched cruise missile.

General **Herres**. Well, it will be a matter of priorities, and the arguments will have to be made and we will have to get the CINCs to weigh in.

Senator **Quayle**. We have got to preserve that. We have got to preserve that option. And when you start talking about all these limitations and just say [deleted] or X number, that figure somehow will get transposed.

General **Herres**. The two strongest requirements to be met, that I think will underpin the pressure to keep this sort of thing going—and I recognize that not everybody loves stand-off weapons and unmanned vehicles; some of them even wear uniforms like mine—the first and most important underpinning, I think, will be the FOFA doctrine.

General Galvin and General Rogers before him have stressed the FOFA doctrine, the doctrinal concept, heavily. General Kirk and General Otis are emphasizing it vigoriously. You know, FOFA means two things. You have got to locate those deep strike targets to go out to the follow-on forces attack, and then you have got to go hit them. And the stand-off weapons inventory is what we need to be able to do that promptly and effectively.

Now that is not the only reason to have these kinds of weapons. Another very important reason, I think quite significant, is Third World encounters. You know, if we had a problem in the Persian Gulf and we had to execute a retaliatory strike in the Middle East, this is the kind of weapon that is ideal for that purpose. It would have been ideal, for example, in Libya.

It is a significant threat. Our potential adversaries who might threaten us know that we have these kinds of capabilities. It is good that they know that. It is good that they do not know too much about them, but they do know that capability exists, and there is a requirement for that. In fact, that was the stimulant for hurrying up with the [deleted] program.

Senator QUAYLE. The Libya situation?

General HERRES. That scenario, that kind of scenario.

Chairman NUNN. Tell us exactly what [deleted] is.

General HERRES. [Deleted]. It is a souped-up explosive which gives you the [deleted] which is a very, very good——

Chairman NUNN. Is that our cheapest missile now—conventional?

General HERRES. It is the cheapest [deleted] we have now. The Navy has their [deleted]. It uses a different guidance system from the [deleted] that the Air Force has. We have built around [deleted] missiles and will have [deleted]. At that time we run out of [deleted] without cutting into the [deleted] inventory, which we could turn to when [deleted].

And that is the tradeoff I was talking about earlier in deciding if we could crank up the production program, spend a lot of money now, or we could wait and save some money and use the [deleted] later on when the [deleted] comes in, because we would have a lot of [deleted] at that point.

It uses the [deleted] system for [deleted]. At the present time you can only strike targets when the target area, the launch and target area, are within the footprint of coverage of the [deleted], which is only about [deleted] right now.

When we get the whole entire [deleted] of [deleted] up there, then of course we will have constant worldwide coverage with redundancy. So you will be able to use that [deleted] anywhere in the world, with [deleted] meters of accuracy, which is really quite good for a [deleted] of that size, and [deleted].

The Navy system uses a [deleted] kind of technology which gives them very good accuracy, too. But then there are some puts and takes there, because there are certain times of the day—you could not use it at [deleted], for example, and certain times of the day when the [deleted] might confuse the [deleted] system.

So we have really got two different kinds of technologies and some good flexibility there. Someday it might be useful to go to add [deleted] kind of [deleted], and then you could really put it on a dime, depending on what kind of data you have got. You could go at night and still only get your [deleted] meters, or go in the daytime and get even better accuracy with the [deleted] for final corrections.

So we have those [deleted] capabilities in the inventory now, and we always keep those weapons available wherever there is a potential threat. For example, we have got some of them in the [deleted] all the time.

There are, of course, other technologies that are being pursued. If there is any concern, it is that we have got too many things, in some cases, going and they need to be pulled together. We are trying to stay on top of that. That is the reason for this stand-off weapons study that the special study group under the Joint Requirements Oversight Council has done, and we owe you all a report. I think it is in June—April 30.

Senator **Quayle**. I really do not have any other questions. I thank you for the explanation. I think it is a good one.

But I just say, in conclusion, that verification drove these decisions. When we get into it, there are a lot of things we cannot verify in this treaty. There are just flat out a lot of things we cannot verify in this treaty. One we did not want to deal with was that conventional-nuclear threat on the GLCM.

General **Herres**. It is really a matter of degrees. Some are harder than others. This one would have been very hard.

Senator **Quayle**. This one would not be any harder than trying to tell us to verify that the [deleted] is really [deleted] and not [deleted].

General **Herres**. Well, that is true, but, you see, there you are only dealing with a band of the prohibited area. So let us suppose he cheated. Then he would have a partial advantage. But you would not have to live with the effects of him being able to cover the whole range with nuclear weapons. Let us say he cheats on range alone. He can only cheat a few kilometers. I mean, you cannot build a frame—I mean, we are going to know if he builds a frame that can go the whole [deleted] and hold at risk targets over the whole range.

Senator **Quayle**. If he needs more target coverage, which I do not think he does, then that is one of the things I do not see why you came to the conclusion that you did on all this great military potential in the Soviet Union.

But if he did need additional target coverage and he wanted to get it, he could simply sit there and test that [deleted] at [deleted], put on a [deleted]; and it is estimated he could get twice the range on it. And you cannot verify that. It would be easier for you to verify whether it is a [deleted] than verifying that.

And that is sort of the fundamental things.

General **Herres**. When I was in graduate school one of our test questions one time in aerodynamics was to take a picture of a Soviet aircraft and work out estimates of its performance—you know, measuring the size of the wings and so forth and so on, and you can make some estimates on the size of the engine—and within about 10 percent we hit the characteristics of that airplane.

That is what the instructor expected of us. This is a long way from perfection, but you can get a pretty good ballpark figure of what the performance of an air frame can be using conventional technology—not to say that there are not some things that cannot be done, some technologies, special techniques, that are not available that could be exploited. And we would hope that we might be able to find out about those things.

But I think you can get the ball park.

Chairman NUNN. General, thank you. Dan, are you through at this stage?

We appreciate both of you being here, and we look forward to hearing from the administration further on this question of futures.

General HERRES. Are you going to need us this afternoon, Senator?

Chairman NUNN. I do not think so. We appreciate it very much.

[Whereupon, at 12:39 p.m., the committee adjourned.]

NATO DEFENSE AND THE INF TREATY

THURSDAY, APRIL 14, 1988

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

CONVENTIONALLY-ARMED GLCM'S AND GLBM'S OF INF RANGE

The committee met in executive session, pursuant to notice, at 3:05 p.m., in room S-407, the Capitol, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Levin, Dixon, Glenn, Warner, Thurmond, Quayle, Wilson, Gramm, and Symms.

Also present: Senators Cranston and Bradley.

Staff present: Arnold L. Punaro, staff director; Carl M. Smith, staff director for the minority; Jeffrey H. Smith, general counsel; Patrick A. Tucker, minority counsel; Andrew S. Effron, counsel; Robert G. Bell, Robert F. Bott, Brian D. Dailey, Sherri Wasserman Goodman, professional staff members; and Lucia M. Chavez, staff assistant.

Also present: Robert P. Savitt, assistant to Senator Cohen; Henry D. Sokolski, assistant to Senator Quayle; Mark J. Albrecht, assistant to Senator Wilson.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Chairman NUNN. The committee meets this afternoon to complete its review of the application of the INF Treaty to future types of conventionally-armed ground-launched cruise missiles and ballistic missiles, GLCMs and GLBMs, of INF range.

Senator Warner, I would say it is my firm intention that this be the last committee hearing on the INF Treaty.

Senator WARNER. I hear you, Mr. Chairman.

Chairman NUNN. I hope and firmly believe that we will complete our deliberations this afternoon. Members will recall that at our March 24 meeting on this subject the administration informed the committee that it had not yet decided how to define the term "weapon delivery vehicle" as it applies to missiles covered by the treaty.

As the committee noted in its report on NATO and the INF Treaty, the article-by-article analysis appeared to define this term narrowly to include only those missiles which carried warheads, while testimony before the committee suggested a much more comprehensive definition, to include any missile which could destroy a target.

In our report, the committee recommended that the Senate insist that the administration tell it authoritatively, number one, what they think the definition of a weapon delivery vehicle is and, number two, whether this definition was clearly agreed to by the Soviet Union.

To ensure that this hearing is fully productive and that we do not have to have additional hearings, Senator Warner and I agreed with Secretary Carlucci on March 29 that we would follow a three-step process.

Step one involved a meeting at the staff level with representatives of State, Defense and the Joint Chiefs to review the negotiating history as it pertains to this issue, and a separate meeting with DOD and JCS representatives to review the implications of the administration's definition of weapon delivery for special access programs and advanced research on emerging and innovative technologies for futuristic types of conventional weapons.

In step two the staff compiled a list of 39 questions which incorporated the main points of those two meetings. The staff met with State, DOD, and JCS representatives earlier this afternoon to review the administration's proposed replies to these questions to ensure that none of the replies might in itself generate a requirement for other questions or for other hearings.

Step three is the hearing this afternoon. We will begin with Ambassador Glitman, who will make a brief presentation on behalf of the administration concerning the administration's definition of weapon delivery vehicle and its position as to whether the United States can confidently expect to hold the Soviet Union to the same compliance standard.

I ask unanimous consent to insert in the record several letters which relate to this hearing. Without objection, they will be part of the record.

Senator WARNER. Could they be enumerated? I think it is important that they are.

Chairman NUNN. Let me ask staff to enumerate. One of them would be the letter from you and me to Secretary Carlucci. Would you give the dates and the authors of the letters and who they went to?

Mr. BELL. Mr. Chairman, there are four letters. The first letter, dated April 6, is from Senator Nunn and Senator Warner to Secretary Carlucci setting up the three-step procedure. The second letter, dated April 8, is a letter from Senator Nunn and Senator Warner to Ambassador Glitman conveying 22 questions relating to the definition and the process by which it was reached.

The third letter, dated April 11, is from Senator Nunn and Senator Warner to Secretary Carlucci transmitting 17 questions dealing with the implications of the definition for weapons programs. And a final letter, dated April 11, is from Senator Nunn and Senator Warner to Secretary Carlucci requesting the participation of Dr. Duncan in this hearing.

Chairman NUNN. Without objection, they will be part of the record.

[The information follows:]

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, April 6, 1988.

Hon. FRANK CARLUCCI,
Secretary of Defense,
Department of Defense, Washington, DC.

DEAR MR. SECRETARY: As per our breakfast discussion on March 29, the Committee is pursuing a three-step procedure to complete our review of the implications of the INF Treaty for future types of conventionally-armed ground-launched cruise missiles (GLCMs) and ground-launched ballistic missiles (GLBMs) of INF range.

Step One, which has already been accomplished, involved a meeting at the staff level with representatives of State, Defense and the JCS to review the INF negotiating history as it pertains to the definition of the words "weapon-delivery vehicle" in Article II, Paragraphs 1 and 2 of the Treaty.

Step Two will involve a meeting between the Committee staff and appropriate DOD officials to discuss the likely impact of this definition on DOD Special Access programs and/or advanced research on emerging and innovative technologies for futuristic types of conventional weapons. This staff working group will then formulate a list of questions dealing with both the policy and programmatic aspects of this issue.

These questions would be used in Step Three of this process, a hearing on this subject to be held on April 14, at 3:00 p.m. in S-407 and/or SR-222. To ensure that this hearing is productive and that no additional hearings on INF are required, the Committee must have the Administration's proposed answers to the questions available for our review prior to the hearing.

The April 14 hearing will begin with testimony by Chief INF Negotiator Maynard Glitman on the Administration's position on the definition of "weapon-delivery" and the extent to which this definition was explicitly discussed with and accepted by the Soviet Union during the negotiations. The Committee will then examine the impact of this definition on specific DOD programs, including Special Access programs and/or advanced research projects in this area.

At our March 24 hearing on this issue, Assistant Secretary Lehman and General Herres were unable to answer questions on the "weapon-delivery" issue since the Administration had not reached a decision on the underlying definitional question. I understand that Assistant Secretary Lehman will be out of the country on April 14. I would, therefore, request that you designate a team of authoritative and knowledgeable officials to represent the Department in his absence. The team should include individuals who can speak to the question of what, if any, policy considerations were considered in the course of agreeing upon this definition and other individuals who can assess the implications of the definition both for Special Access programs and advanced research on relevant conventional warfare technologies.

I believe it is important that General Herres be included in this team so the Joint Chiefs of Staff can be represented. In addition, the Committee believes that the hearing will require the presence of appropriate officials from both the policy and the acquisitions branches of OSD.

I appreciate your cooperation in this matter.

Sincerely,

SAM NUNN,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, April 8, 1988.

Hon. MAYNARD GLITMAN,
Chief Negotiator on Intermediate-range Nuclear Forces,
Department of State, Washington, DC.

DEAR AMBASSADOR GLITMAN: As per the arrangement we worked out on March 29 with Secretary Carlucci, we are sending you advance copies of questions on the future weapons issue which we intend to ask you at the April 14 hearing on this subject. To ensure that this hearing is productive and that no additional hearings on INF are required, we request that you provide us with your proposed answers to these questions prior to the hearing.

We appreciate your cooperation in this matter.

Sincerely,

SAM NUNN,
Chairman.
JOHN WARNER,
Ranking Minority Member.

Classified Enclosure.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, April 11, 1988.

Hon. FRANK CARLUCCI,
Secretary of Defense,
Department of Defense, Washington, DC.

DEAR MR. SECRETARY: As outlined in our letter of April 6, we are forwarding advance copies of questions on the INF/future weapons issue which we intend to ask the OSD and JCS witnesses at our April 14 hearing on this subject. These questions are in addition to the questions on this subject which we had submitted for the record at our March 24 hearing on this issue, for which we have not yet received final written replies. We intend to revisit these previously submitted questions at the April 14 hearing since they bear directly on the subject of this hearing.

To ensure that this hearing is productive and that no additional hearings on INF are required, we ask that the Department provide the Committee with its proposed replies to the attached questions, as well as the replies to the previously submitted questions from the March 24 hearing, prior to the April 14 hearing.

We appreciate your cooperation in this matter.

Sincerely,

SAM NUNN,
Chairman.
JOHN W. WARNER,
Ranking Minority Member.

Enclosure.

ADDITIONAL QUESTIONS ON THE INF TREATY AND FUTURE WEAPONS

1. Which advanced non-nuclear weapons technologies other than high-energy explosives (e.g., high power microwaves, laser kill mechanisms, particle-beam generators, etc.) are currently under study by the Defense Department which have potential application to cruise missile or ballistic missile delivery vehicles?

2. Of these advanced technologies, which show the greatest promise of being available for possible deployment in the near- to mid-term (i.e., the next five to ten years)? Which are most likely only available much further in the future (i.e., not for at least a decade)?

3. How would you assess the potential utility and effectiveness of these advanced weapons technologies in comparison to what we can reasonably expect in the area of evolutional improvements toward a zero-CEP conventional explosive stand-off missile? In other words, which shows greater promise in the near- to mid-term: near zero-CEP conventional munitions or more exotic weapons applications, such as microwaves or lasers?

4. Do current studies indicate that these advanced technologies are likely to be equally applicable to air-, sea-, and land-based missiles, or is it evident that certain technologies could only be applied in a ground-launched basing mode?

5. Do current studies indicate that these advanced technologies are likely to be most suited for application to missiles which strike at ranges below 500 kilometers, or is the application of these technologies relatively insensitive to the range of the weapon-delivery vehicle?

6. To what extent are the costs and/or engineering difficulty of applying these advanced technologies likely to be greater if they can only be applied in an air- or sea-launched mode?

7. When various hypersonic boost-glide vehicle research programs were consolidated and redirected in a single air-launched design late last year, was the prospective INF Treaty a factor in this redirection? If so, what are the INF Treaty-related factors?

8. Does the Israeli "Harpy" radar-attack drone have a range for INF purposes greater than 500 kilometers?

9. If so, can the United States purchase or lease (i.e., "possess") such a missile under the treaty for purposes of the foreign weapons evaluation program?

10. If the "Harpy" missile is not purchased or leased by the United States but rather is loaned to the United States by the Government of Israel, can the United

States flight test the missile without violating the treaty? Alternatively, can the Israeli Government flight test the missile at U.S. test ranges using Israeli technicians without violating the treaty?

11. Are there any restrictions on U.S. possession or flight testing of the "Harpy" prior to the entering of force of the treaty?

12. If the air-launched version of the Tacit Rainbow missile were to be reconfigured as a ground-launched variant and the air-launched version had been tested at INF ranges, what changes would have to be made to the ground-launched variant to avoid having it covered under the treaty? In other words, would the two missiles have to be distinguishable by external observable differences (EODs) or would the two missiles have to be configured as different "types" (e.g., through the inclusion of functionally-related observable differences (FRODs)?

13. Has the Seek Spinner (or Boeing Brave 200) drone ever been flight tested at a range greater than 500 kilometers?

14. If Seek Spinner has a built-in design capability to fly at ranges greater than 500 kilometers but is restricted to ranges below 500 kilometers by the substitution of a smaller fuel tank, would flight testing or deployment of this version of the drone violate the INF Treaty?

15. Does OSD (and JCS) agree with the definition of "weapon-delivery vehicle" presented by Ambassador Glitman at the beginning of this (April 14) hearing?

16. Does OSD (and JCS) believe that the Soviet Union shares this understanding of the meaning of these words and can be held to this definition in terms of its future compliance?

17. At the time the President decided to agree to ban conventionally-armed GLCMs and GLBMs of INF range under the INF Treaty, did OSD (and JCS) realize that this ban would apply comprehensively and would cover not only conventional GLCMs and GLBMs of INF range with explosive warheads but also more exotic or futuristic non-nuclear weapons technologies? If so, is there any internal memoranda or documentation discussing this understanding within the JCS or OSD?

U.S. Senate,
Committee on Armed Services,
Washington, DC, April 11, 1988.

Hon. Frank Carlucci,
Secretary of Defense, Department of Defense,
Washington, DC.

Dear Mr. Secretary: During a Committee hearing this afternoon on the Balanced Technology Initiative, Dr. Robert C. Duncan, Director of Defense Research and Engineering, stated (when asked) that he had not been intimately involved in discussions within the Administration on the application of the INF Treaty to future types of conventionally-armed ground-launched cruise and ballistic missiles (GLCMs and GLBMs) of INF range.

As noted in our Committee report on the Treaty, we believe this is a critical issue. Both the Senate and the Executive Branch must have a very clear understanding as to which types of future weapons are being permanently banned under the Treaty. It is especially important that the senior Defense Department official with responsibilities for advanced research into innovative conventional weapons technologies be totally involved in this process with respect to negotiations on future treaties.

Accordingly, we request that Dr. Duncan appear at the Committee's hearing on the INF Treaty and future weapons in addition to the officials who will represent the policy and acquisition branches of OSD. The hearing will be held on April 14 at 3:00 p.m. in Room S-407 of the Capitol.

We appreciate your cooperation in this matter.

Sincerely,

Sam Nunn,
Chairman.
John W. Warner,
Ranking Minority Member.

Chairman Nunn. The first part of the hearing today will be conducted up to the Top Secret level, with staff access restricted to those who are on the approved list for reviewing the INF negotiating record. I will ask Arnold Punaro to certify that all Senate staff members in this room are so cleared.

Administration representatives in the room are those who appear on the approved access list submitted by the State and Defense Departments.

Following Ambassador Glitman's presentation and our questioning of the witnesses, we will turn to the question of the implications of this definition for Department of Defense programs.

Our witnesses will be General Herres, representing the JCS; Ambassador Woodworth, standing in for Assistant Secretary Lehman, who is out of the country; Dr. Duncan, Director of Defense Research and Engineering, who is the senior DOD official tasked with responsibility for research on future weapons; and General Keith Glenn, who is the senior official in the Defense Department responsible for special access programs; and George Schneider, Assistant Deputy Under Secretary of Defense for Strategic, Aeronautical and Theater Nuclear Systems.

We will conduct the second part of the hearing at the Top Secret/Special Access Program level, which will require us to clear the room of a number of people at the appropriate time. In other words, both hearings are classified, but they have different classification levels. The first hearing will have certain people that will be able to attend; the second hearing we will have additional people, perhaps, but less people also, depending on their classification clearance.

I would also announce that we will work with the administration to produce a declassified version of the transcript. I recognize this will not be easy.

Senator Warner.

Senator WARNER. Mr. Chairman, first it is my understanding that this hearing is attended by witnesses at our request who can speak authoritatively on behalf of the President and this administration. Is that your understanding?

Chairman NUNN. That is, and I would ask Ambassador Glitman to give us right off the answer to that after you complete——

Senator WARNER. Perhaps each of the witnesses would like to state, because I think procedurally we have got to move along on that and have it in the record.

Chairman NUNN. It is kind of hard to sort out rank among this distinguished panel, but we would ask each of you to respond. General Herres, do you think you are an authoritative witness who can speak authoritatively on the areas that we are covering this afternoon on behalf of the Joint Chiefs?

General HERRES. I believe I can, sir.

Chairman NUNN. Ambassador Glitman, the question to you is the same question as it pertains to the administration.

Ambassador GLITMAN. Yes.

Chairman NUNN. Mr. Woodworth.

Mr. WOODWORTH. Yes.

Chairman NUNN. Dr. Duncan, can you speak authoritatively on behalf of the Department of Defense and the administration.

Dr. DUNCAN. Yes.

Senator WARNER. With that in mind, then, it is our expectation that at the conclusion of this hearing the Senate will then have a record from which it can determine the position of the administration on this issue, which I and others view very seriously; is that correct?

Chairman **Nunn**. Correct.

Senator **Warner**. I shall defer momentarily, Mr. Chairman, to Senator Quayle, who has done a great deal of independent work on this, but I would ask the witnesses if they have had the opportunity to see a letter addressed to Senator Quayle from Secretary Weinberger, former Secretary Weinberger.

General **Herres**. I just saw it a few minutes ago.

Dr. **Duncan**. I have not seen it, Senator.

Senator **Warner**. It is available. And then there is another letter from Mr. Adelman, former director of ACDA. Has that been available?

Ambassador **Glitman**. Yes.

Mr. **Woodworth**. I have not seen that one.

Dr. **Duncan**. I have not seen that one either.

Chairman **Nunn**. Let's give the witnesses a copy of each of those letters.

Senator **Warner**. At some appropriate time if Mr. Quayle wants to incorporate those as part of the record——

Chairman **Nunn**. We could do that without objection now.

[The information follows:]

ROGERS & WELLS,
Washington, DC, April 13, 1988.

Hon. DAN QUAYLE,
524 Hart Senate Office Building,
Washington, DC.

DEAR DAN: In response to your question as to what consideration was given to "futuristic" weaponry beyond existing nuclear chemical and high explosive munitions, prior to signing the INF Treaty, I can simply state that there was no understanding of any kind that I knew about that the treaty covered anything related to these so-called futuristic weapons.

Certainly, there was no discussion or evaluation of the military sufficiency questions involved in banning futuristic weaponry that I ever participated in, and I never heard any others having such a discussion. When conventionally armed missiles are mentioned in the treaty, my clear understanding was that everyone on our side was talking only about *existing* types of INF, cruise or ballistic missiles, or types similar to them carrying a conventional type—i.e., high explosive or chemical—munition.

Indeed, had there been any such suggestions that "futuristic" weapons were banned, I would have opposed it in the strongest possible terms, because it would have had an obvious adverse effect on SDI for us to agree to any limitation on any systems not yet designed or "futuristic" systems, and would have enabled the Soviets to argue that they have finally succeeded in making our SDI efforts ineffective.

With best wishes,

CASPAR WEINBERGER,
Counsel.

KEN ADELMAN,
Arlington, VA, April 13, 1988.

Senator DAN QUAYLE,
U.S. Senator,
Washington, DC.

DEAR DAN: First, to answer the two questions posed in your letter of April 12th: (1) I cannot recall the issue of futuristic INF weapons ever arising during my tenure as ACDA Director. It was certainly not discussed in any National Security Council meeting I attended—and I attended all dealing with arms control—nor any meeting with Soviet officials with which I am familiar; (2) I am not aware of a ban on futuristic INF weaponry ever being evaluated for its military or arms control implications. Again because futuristic systems was just not an issue then.

Second, to go beyond your questions: I feel strongly that the Armed Services Committee and the Senate as a whole needs to clear up all known ambiguities now. There will be ambiguities enough uncovered later without letting some pass by now. Hence, if the President believes that futuristic systems should be banned by the treaty—which I take it he does—that prohibition should be clearly agreed, not only between the Administration and the Senate but much more importantly between the Soviets and the Americans.

If this futuristic ban constitutes no problem for the Soviets, there should be no problem in getting their clear confirmation. If there would be a problem, I would be concerned. It would be similar to the Soviet refusal in 1971-72 to agree to our simple and straight-forward language banning futuristic ABM systems, a refusal which led me to consider the narrow interpretation of the ABM Treaty incorrect. I do not believe the U.S. should ever be bound by arms control restrictions to which the Soviets are not bound.

I know that it is the Senate's intention to do a more thorough job on INF than on previous arms control treaties. By clearing up known ambiguities now, not with the Administration but primarily with the Soviets, we can avoid a grand debate over the true meaning of the INF Treaty sixteen years from now, as we're now stuck with on the ABM Treaty.

I stand ready to help the Senate in any way possible.

Sincerely,

KENNETH L. ADELMAN,
Ambassador.

Senator WARNER. Earlier today, at the request of the minority leader of the Senate, Senator Quayle and myself, and perhaps others, the President's National Security Advisor, Gen. Colin Powell, came over to meet informally, as is the custom with the National Security Advisor, with at least a dozen Senators, I believe, at one time. I was there for part of the meeting.

Have you had any opportunity to get any feedback from him? I guess I am laying these foundation questions so as to hopefully avoid another hearing and in hopes that the administration, given the handicap of shortage of time and different people involved, have had an opportunity to reach a consensus and that what we will hear today is presumably consistent with what the National Security Advisor advised the group of Senators earlier today.

May I have an indication from any of the witnesses that they have had an opportunity to consult with him?

Ambassador GLITMAN. I had a brief conversation with one of his assistants, Senator.

Senator WARNER. Following the meeting?

Ambassador GLITMAN. That is correct.

Senator WARNER. So you at least have some benefit of what was discussed?

Ambassador GLITMAN. That is correct.

Senator WARNER. Thank you, Mr. Chairman. I will not speak further.

Chairman NUNN. Are there any further opening statements by Senators? I have assured Ambassador Glitman he will be able to give his opening statement before we get into substantive questions. But if any Senator has an opening statement or a procedural question——

Senator QUAYLE. Do we have a copy of his statement—Ambassador Glitman's?

Chairman **Nunn**. I do not, but I am sure he will make one available. Any other procedural questions? If not, Mr. Ambassador, we will ask you to lead off.

Senator **Warner**. Senator Quayle.

Senator **Quayle**. Could we have a copy of the statement?

Chairman **Nunn**. Ambassador Glitman, do you have copies of your statement?

Ambassador **Glitman**. I do not have copies. I will make copies available.

Senator **Quayle**. I will listen closely.

Chairman **Nunn**. Mr. Ambassador, may I ask a procedural question? We have posed a number of questions. We have, I believe, a total of 39 questions and 22 of them have been given to you, and I believe 17 to the Department of Defense.

Mr. **Bell**. Yes, sir.

Chairman **Nunn**. On the 22 questions we have given to you, do you cover each of these in your opening statement?

Ambassador **Glitman**. In a general way they should all be covered. On the other hand, many of them are quite specific.

Chairman **Nunn**. We may then have to come back to them. Since we do not have copies of Ambassador Glitman's statement, I am going to ask staff to listen carefully and where there is a question you doubt as to whether it has been answered in detail, we will come back and ask the question. It may be good just to run through them, but you go ahead.

Senator **Quayle**. Mr. Chairman, do we have copies of the questions?

Chairman **Nunn**. They are in front of you.

Ambassador **Glitman**. We have a few copies, Mr. Chairman. Mr. Reddy is making them available so that you will be able to follow.

Chairman **Nunn**. Why don't you proceed, Mr. Ambassador?

STATEMENT OF AMBASSADOR MAYNARD GLITMAN, CHIEF NEGOTIATOR ON INTERMEDIATE-RANGE NUCLEAR FORCES

Ambassador **Glitman**. Thank you very much, Mr. Chairman. I welcome this opportunity to address further with this committee the question of the permissibility of using weapons employing some future technologies—for example, lasers and so on—in ground-based cruise or ballistic missiles of INF range—that is, 500 to 5,500 kilometers.

As we have informed Senator Pell in writing, during the INF negotiations the United States and the Soviet Union did not specifically discuss INF missile systems using future technologies, such as lasers, to destroy targets, nor did the parties specifically address the meaning of the term "weapon delivery."

Instead, the parties recognized that it was unnecessary to define in the treaty terms which had ordinary, commonly-understood meanings or where the common sense meaning of the term was intended by the treaty. Indeed, article 31 of the Vienna Convention on the Law of Treaties provides that treaties "shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context . . ."

In the context of the INF Treaty, the commonly-understood meaning of the term "weapon delivery vehicle" is applicable. Any INF ballistic or cruise missile system which is tested or deployed to carry a weapon—that is, any mechanism or device which when directed against a target is designed to damage or destroy it.

THE TREATY TEXT

Article VI, paragraph 1, of the treaty reads as follows: "Upon entry into force of this treaty and thereafter"—underscored—"neither party shall (a) produce or flight test any intermediate-range missiles or produce any stages of such missiles or any launchers of such missiles or (b) produce, flight test or launch any shorter-range missiles or produce any stages of such missiles or any launchers of such missiles".

This is a definitive flat set of statements making it clear that all GLCMs or GLBMs of INF range are to be prohibited upon entry into force of the treaty, and in the future.

Let us turn to the negotiating record. In its advocacy of the zero option throughout the INF negotiations, the United States referred to the elimination of the entire class of INF missiles systems. We did not subdivide this between systems using current technologies and systems using future technologies. As for the Soviets, the negotiating record shows that they consistently held the view that all U.S. or Soviet ground-launched missiles with ranges between 500 and 5,500 kilometers, both present and future, should be subject to the provisions of the treaty.

[Deleted.]

If I may just digress from the written text, as you can see, the sides were distinguishing between nuclear-armed on the one hand and all other types of weapons on the other. The word "conventional" did not mean only high explosives; it meant any weapon that was not nuclear. And the treaty as it is written means all weapon delivery vehicles are covered by the treaty's provisions.

Now for the practical effect. As a practical matter, neither the United States nor the Soviet Union could deploy GLCMs or GLBMs in INF ranges employing future technologies without facing substantial opposition from the other side. Thus, a Soviet assertion that they would be deploying such systems could be met with a sharp compliance challenge based on the treaty as well as the written Soviet plenary statement.

At a minimum, all would recognize that there would be no way to verify that such systems were not fitted with warheads rather than the advanced technology the Soviets might claim. The United States would consider any Soviet possession, flight-testing, or deployment of any missile system meeting the four INF criteria to raise an immediate issue of treaty compliance. At the same time, the United States can test and deploy systems employing futuristic weapons on delivery vehicles not covered by the treaty.

CONCLUSION

For the foregoing reasons, the administration considers that the INF negotiating record, viewed in conjunction with the treaty text, with customary international law and the Vienna Convention on the Law of Treaties, demonstrates that the United States and the Soviet Union perforce share a common understanding that all United States or Soviet ground-launched missiles with ranges between 500 and 5,500 kilometers, both present and future, should be subject to the provisions of the INF Treaty.

In the context of the INF Treaty, it is our considered judgment that the parties understand the term "weapon delivery vehicle" to mean any INF ballistic or cruise missile which is tested or deployed to carry a weapon—that is, any mechanism or device which when directed against a target is designed to damage or destroy it.

Accordingly, I would add, taking into account the treaty, customary international law and the negotiating record, it is not necessary to confirm this understanding with the Soviet Union as a condition to the Senate's giving its advice and consent to ratification of the INF Treaty.

I would add the Soviets and we are bound by the three elements I just cited to ban all future ground-launched weapon delivery cruise or ballistic missiles with ranges between 500 and 5,500 kilometers.

That completes the formal statement, Mr. Chairman.

Chairman NUNN. Thank you, Mr. Ambassador.

Are there opening statements from any other witnesses?

General HERRES. Not from me.

Mr. WOODWORTH. No.

Dr. DUNCAN. No.

Chairman NUNN. My first question would be directed to Ambassador Glitman. Some of the 22 questions you have covered in general, but I want to make sure we get them on the record.

Why was the article-by-article analysis drafted to indicate a much narrower definition of these words?

Ambassador GLITMAN. The statement in the article-by-article analysis that GLBMs or GLCMs that have been flight-tested or deployed for weapon delivery—that is, flight-tested or deployed with any type of warhead device or simulation thereof—should not be read as excluding nonexplosive devices from coverage by the treaty.

Rather, it should be read as clarifying that GLBMs and GLCMs which carry warhead simulators would be covered by the treaty's ban. In other words, we were trying to close off a loophole that would have permitted testing of simulators.

Chairman NUNN. Was there an interagency review process of the article-by-article analysis?

Ambassador GLITMAN. We do not as a matter of policy comment on internal executive branch deliberations. However, I can say that all concerned agencies, assisted by their respective legal offices, were involved, and the INF negotiators also participated in the review process.

Chairman NUNN. Were the INF negotiators included in the article-by-article analysis?

Ambassador GLITMAN. The negotiators participated in the review process.

Chairman NUNN. What was the process by which the new definition or the definition, if you take exception to the word "new", we now have before us that you have given us explicity today—what was the process by which that definition was formulated and accepted within the executive branch?

Ambassador GLITMAN. Once again, I am obliged to say that we do not as a matter of policy comment on internal executive branch deliberations. However, I can say that the interagency review process was the same as for the preparation of the article-by-article analysis.

Chairman NUNN. Has the President himself now agreed with this definition?

Ambassador GLITMAN. That is correct.

Chairman NUNN. Do you mind telling us when he did so, whether it was in writing or oral?

Ambassador GLITMAN. I am not sure the exact way in which he himself would have commented on it. We do have a written statement from the National Security Advisor. I do not find a date on it, but I got it yesterday, so you can assume it was yesterday.

Chairman NUNN. Was that on behalf of the President?

Ambassador GLITMAN. Yes—for the President.

Senator LEVIN. What does it say, "for the President"?

Ambassador GLITMAN. For the President.

Senator QUAYLE. Is that a Presidential decision?

Ambassador GLITMAN. It says "for the President".

Senator QUAYLE. What does that mean?

Chairman NUNN. Has there been a National Security Directive issued on this question?

Ambassador GLITMAN. Yes.

Chairman NUNN. When was that issued?

Ambassador GLITMAN. It is a memorandum. That is the same paper that I am talking about.

Chairman NUNN. But it was signed by the National Security Advisor?

Ambassador GLITMAN. For the President.

Chairman NUNN. What does that normally mean, Mr. Ambassador—for the President?

Ambassador GLITMAN. In my view, it would mean that the President is aware of this and it is being signed in his behalf.

Chairman NUNN. Has the definition before us today ever been explicitly presented to, or discussed with, the Soviet Union during the INF negotiations?

Ambassador GLITMAN. No. But let me explain, and I will now go back essentially to what I said in my opening statement.

The parties recognized that it was unnecessary to define in the treaty terms which had ordinary, commonly-understood meanings or where the common sense meaning of the term was intended by the treaty. Indeed, article 31 of the Vienna Convention on the Law of Treaties, which the United States recognizes as largely reflecting customary international law, provides that the treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context.

In the context of the INF Treaty, it is our considered judgment that the parties understand the term "weapon delivery vehicle" to mean any INF ballistic or cruise missile system that is tested or deployed to carry a weapon—that is, any mechanism or device which, when directed against a target, is designed to damage or destroy it.

Chairman **Nunn**. Has this definition been communicated to the Soviet Union since it was promulgated by the executive branch?

Ambassador **Glitman**. [Deleted] it has been used in open testimony, and this is available to the Soviet Union.

Chairman **Nunn**. Has it been communicated privately to the Soviet Union.

Ambassador **Glitman**. I am not sure of that at this juncture, Senator.

Chairman **Nunn**. Does anyone at the table know?

Ambassador **Glitman**. They will not know, Senator.

Senator **Levin**. I think that is authoritative. [Laughter.]

Chairman **Nunn**. Has it been communicated? Will we know at some point whether Secretary Shultz has communicated it?

Ambassador **Glitman**. The answer is on an airplane flying across the ocean, Mr. Chairman. That is why they do not know any more than I do.

Chairman **Nunn**. Is he coming back now?

Ambassador **Glitman**. It is my understanding he is on a plane now.

Chairman **Nunn**. So at this point in time we will have to wait until he gets back to find that out?

Ambassador **Glitman**. That is correct.

Chairman **Nunn**. Other than that do we know of any private communication to any Soviet officials?

Ambassador **Glitman**. I am not aware of any.

Chairman **Nunn**. So anything they picked up on this subject, unless Secretary Shultz himself has communicated it in the last 24 hours, came from public sources?

Ambassador **Glitman**. That is correct. It would only be from public sources, which, as I say, were available to them.

Chairman **Nunn**. Do you believe this definition is agreed to and accepted by the Soviet Union?

Ambassador **Glitman**. The INF negotiating record, viewed in conjunction with the treaty text and with customary international law and the Vienna Convention on the Law of Treaties, demonstrates that the United States and the Soviet Union perforce share a common understanding that all United States or Soviet ground-launched missiles with ranges between 500 and 5,500 kilometers, both present and future, should be subject to the provisions of the INF Treaty.

Chairman **Nunn**. I am going to ask the committee's indulgence. I normally do not run over my allocated time for questioning, but I think it is very important we get each one of these questions that we have worked on, and staff on both sides have worked on carefully, on the record as a prelude to further detailed questions. I would be glad to share this responsibility with anyone that wants to ask questions. I am going to proceed, unless there is objection.

Senator **Warner**. I would urge that procedure be followed, Mr. Chairman, and then we will have that as a base on which other questions may be asked. Perhaps we could hear from other members.

Senator DIXON. I will yield my time for that purpose, for that matter, Mr. Chairman, because I think it is important.

Chairman NUNN. I thank the committee for understanding.

Which specific discussions during the INF negotiations indicate that there is a common understanding between the two parties with regard to the meaning of the words "weapon delivery vehicle"? I would like to hear as comprehensive a list as you have. You have given us what you think is relevant in your opening statement, but could you repeat that again?

Ambassador GLITMAN. Yes. There were no specific discussions of the meaning of the words "weapon delivery vehicle". This is an example of a situation in which the parties recognized that if there is a commonly-understood word it does not need to be defined. The commonly understood definition of that word, normal definition of that word, thus applies in this case—and that is the definition that I have read out.

Chairman NUNN. I would say that the same questions, if I scratched the word "specific" and said which discussions during the INF negotiations pertain to this, that you would have covered those in your opening statement?

Ambassador GLITMAN. That is correct.

Chairman NUNN. And we can incorporate all those instances that you cited as part of the answer to the question without the word "specific"?

Ambassador GLITMAN. That is correct.

Chairman NUNN. Are there any other discussions that pertain to this, directly or indirectly, that you did not cite in the opening statement that are in the negotiating record as we have it before the Senate or in the material that you have access to that was not presented to the Senate in the negotiating record?

Ambassador GLITMAN. We carefully looked at the most recent periods of the negotiations. There may be discussions of what is nuclear-armed and so on earlier on in the negotiations. I have no doubt that they would reinforce or certainly would be consistent with the statements that we have read to you, if not reinforcing.

Chairman NUNN. We have the negotiating record and we have reviewed as much as we can of it with reference to this question. We found certain instances; and you have recited all of those in your opening statement.

We have, though, a definition carefully framed as to what the negotiating record is. Clearly it does not include a lot of information that you all have that you did not send as part of the negotiating record. My question is, have you reviewed that material that the Senate of the United States and this committee do not have access to in reference to this question that we have before us today?

Ambassador GLITMAN. Yes. But I think if we are talking about material that involves discussions with the Soviets I believe the committee should have it all.

Chairman NUNN. I would say I am not necessarily confining it. I am taking the negotiating history and I am saying that we have an agreed-upon definition of what is before us. The Senate has access to certain material but there is other material to which only the executive branch has had access. We have never seen it and do not anticipate that we will.

My question is, has somebody reviewed that material to see if there is any kind of material that reflects unilateral understandings, unilateral memcons, or anything else that pertains to this question?

Ambassador GLITMAN. That really refers to our guidance cables essentially, and those cables instructed us to include all missiles as if they were nuclear-armed. And the way that you can see that is reflected in—let me find the exact document—the way we tabled the treaty which went to double global zero in September.

September 14, the United States plenary statement, paragraph 4 specifies that all GLBMs and GLCMs possessed by either party shall be considered nuclear-armed. Thus, the United States has agreed to exclude the possibility of a conventionally-armed GLCM. Now that is a reflection on the record of our guidance, and I think that is the most precise statement that one can make on the subject. The most authoritative one is the guidance that we got, as reflected in the treaty that we tabled.

Chairman NUNN. At the time of the August 25——

Senator WARNER. Excuse me, Mr. Chairman. I wonder if for the record you would consider modifying that question to read "which specific discussions, comma, or other part of the record compiled, comma, indicates," because there may be something other than discussions, and I think you moved around in that area.

Chairman NUNN. Why don't you ask it, Senator Warner?

Senator WARNER. We just have the question that the chairman propounded in its first part, "which specific discussions, comma, or other part of the record compiled, comma, during the INF negotiations," and that would bring in matters that would not be characterized solely as discussions.

Ambassador GLITMAN. As I said, Senator——

Senator WARNER. I think the witness has replied.

Ambassador GLITMAN. You want to change the question but not necessarily the answer?

Senator WARNER. If you want to anwer, go right ahead. I just wanted to make sure the question was broad enough to induce you to provide a full response.

Ambassador GLITMAN. I think the response I gave will apply.

Senator WARNER. That was my impression. Thank you.

Chairman NUNN. Thank you, Senator Warner.

At the time of the August 25, 1987, INF plenary, was the United States still insisting the treaty exclude conventionally-armed GLCMs of the INF range?

Ambassador GLITMAN. Yes.

Chairman NUNN. It is plausible to read Ambassador Obukhov's August 25, 1987, INF plenary statement [deleted] as simply reiterating the Soviet demand that conventionally-armed, as well as nuclear missiles be banned.

In other words, it is possible to take this statement as trying to get conventionals rather than something beyond conventionals, including futures. Do you believe that in this statement Obukhov intended to indicate that all possible conventional weapons technologies, including futuristic technologies, would be banned?

Ambassador GLITMAN. It is difficult to say what Ambassador Obukhov intended. He was in that statement reviewing the overall

Soviet negotiating position and in this review he reiterated the Soviet position that all United States or Soviet ground-launched missiles flight-tested or deployed for weapon delivery with ranges between 500 and 5,500 kilometers, both present and future, regardless of how they are armed, should be subject to the provisions of the treaty.

Now although he did not address futuristic technology specifically his statement would encompass them for INF purposes, and be among grounds we would have for challenging any Soviet effort to flight-test or deploy INF-range delivery systems armed with weapons based on such technology.

Chairman NUNN. In other words, you believe the Soviets would be bound by his statement not to exclude futuristic technologies from the definition in this treaty?

Ambassador GLITMAN. I believe they are bound, first and foremost, by the treaty itself, and, second, this statement on the record in writing would substantiate that. But it is the treaty itself, the logic of the treaty, that does the job, that does the binding.

Chairman NUNN. During the September 14, 1987, plenary you informed the Soviets that the United States had agreed to drop its demand that the treaty only apply to nuclear missiles. In tabling a new draft treaty you said, quoting paragraph 4, "all GLBMs and GLCMs possessed by either party shall be considered nuclear-armed. Thus, the United States had agreed to exclude the possibility of a conventionally-armed GLCM."

Is this term "conventionally-armed GLCM" defined by or used in the treaty?

Ambassador GLITMAN. This term is not defined by or used in the treaty. What was meant here in the context of the negotiations was that all nonnuclear-armed systems would, along with nuclear-armed systems, be banned.

Chairman NUNN. Was "conventionally-armed GLCM" a term which both parties used commonly during the negotiations?

Ambassador GLITMAN. Yes. As I said a while ago, to distinguish between nuclear armed and everything else we just said nuclear and, sometimes, nonnuclear, or nuclear and conventional.

Chairman NUNN. Was "conventionally-armed GLCM" used interchangeably with "nonnuclear-armed"?

Ambassador GLITMAN. Yes.

Chairman NUNN. The terms meant the same thing?

Ambassador GLITMAN. Yes.

Chairman NUNN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Chairman NUNN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Chairman NUNN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Chairman NUNN. I understand that very well.

Do you know if any consideration was ever given during the discussions in Washington, which resulted in the decision to give up the conventional GLCM option, to the question of whether or not this would preclude futuristic or exotic GLCMs?

Ambassador GLITMAN. I am not the best witness on the details of these considerations. Perhaps one of my colleagues would be able to address this point.

Chairman NUNN. General Herres or Dr. Duncan, would one of you want to take a stab at that one?

GEN. ROBERT T. HERRES, VICE CHAIRMAN, JOINT CHIEFS OF STAFF

General HERRES. There was never any consideration given to excluding any particular category of non-nuclear missiles, either cruise or ballistic ground-launched missiles that would fit into the range category.

Chairman NUNN. Let me turn that around and ask you if there was any consideration given to including beyond what we would call conventional arms on GLCMs.

General HERRES. Yes. We did consider specifically, in some detail, the ramifications of chemical weapon mechanisms. That in a sense is a futuristic system [deleted]. But it is certainly a potential we have to have a lot of concern about.

We did discuss that.

Chairman NUNN. Did the Joint Chiefs discuss futures as it pertains to the INF Treaty?

General HERRES. Only in the context of chemical weapons on cruise missiles.

Chairman NUNN. Did you take for granted or understand that futures were indeed banned under the INF Treaty if they fit in the definition?

General HERRES. I think you are asking really a question that is on our list of questions. If you would like to address that now, it would be number 17 amongst the questions you submitted to us.

Chairman NUNN. I think it would be better for me to withdraw that question and come back because we are going to go down the line with you on your questions, too. I think we will just move on and finish with Ambassador Glitman and come back.

When you informed the Soviets on September 14, 1987, that the new U.S. position would "exclude the possibility of conventionally-armed GLCMs" was it your clear understanding that the new U.S. position encompassed all future types of conventionally-armed GLCMs, regardless of the physical or technological basis for the kill mechanism?

Ambassador GLITMAN. My understanding was that with conventionally-armed GLCMs being brought under the INF Treaty all missile systems meeting the four INF criteria—ground-launched, ballistic or cruise missile, weapon delivery, and 500 to 5,500 kilometer range—present and future would be banned globally, putting aside the exceptions that the United States carved out for ABM ASAT systems and for R&D boosters.

Chairman NUNN. Did you or anyone on the delegation ever recommend that this be pinned down with the Soviet side?

Ambassador GLITMAN. As I said before, we do not comment on internal delegation proceedings.

Senator DIXON. That is the only thing we ever hear here and that bothers me a lot. I do not want to interrupt the Chair, but did we ever talk with them about it?

Senator LEVIN. Talk with each other is the question.

Senator DIXON. Well, that is what we are trying to find out.

Senator LEVIN. That is right. Your question was talk with each other?

Chairman NUNN. We have asked them the question of talking with the Soviets. I think that is clearly on the record. My question here is whether anyone in the delegation ever recommended that this be pinned down with the Soviet side.

Senator QUAYLE. Are there any memcons or anything?

Ambassador GLITMAN. That is not a memcon, Senator. That is asking what we sent back to Washington.

Senator QUAYLE. Is there any documentation to show that for the futures?

Ambassador GLITMAN. I think the fact is that what matters here is what does the treaty say and what does the treaty do. And what the treaty says and what the treaty does is that it bans these future weapons systems if they meet the criteria.

Chairman NUNN. Mr. Ambassador, I know there is sensitivity on this, but this is also a very important subject. Let us just look at the practicality of it. If we get on the floor of the Senate and somebody waves an internal memo that might, for example, say from Mr. X to Mr. Y in the American delegation that he thinks the futures question needs to be pinned down and we have never seen that before, we have got a problem.

So I think we need to get away from theory here and just really answer the question. Let me repeat it. Did you or anyone on your delegation ever recommend that this be pinned down with the Soviet side?

Ambassador GLITMAN. [Deleted.]

Chairman NUNN. [Deleted.]

Senator LEVIN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Chairman NUNN. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Chairman NUNN. Were you generally aware, during the INF negotiations, of the sharp debate that was being waged in Washington as to whether the United States had ever achieved an explicit understanding with the Soviet Union in 1971 and 1972 on whether the ABM Treaty applied to so-called futuristic or exotic ABMs based on physical principles, other than those which were applied in ABM systems or components of that era?

Ambassador GLITMAN. Yes.

Chairman NUNN. As a general proposition, would you say that the INF negotiating record is ambiguous, or clearcut, as it applies to the future weapons issue?

Ambassador GLITMAN. The INF negotiating record, viewed in conjunction with the treaty text, with customary international law and the Vienna Convention on the Law of Treaties demonstrates that the United States and the Soviet Union share a common understanding that all United States or Soviet ground-launched missiles with ranges between 500 and 5,500 kilometers, both present and future, should be subject to the provisions of the INF Treaty.

This was an all-encompassing understanding which prohibits either party from producing any system which met all four INF criteria. It does not imply any exceptions and none were discussed. Moreover, the Soviets clearly signaled their interest in precluding any exceptions. I believe, therefore, that the history of the negotiations would not provide the Soviets or the United States at a future date with any opening to argue that futuristic GLCMs of INF range were not banned.

I might add that, on the contrary, I believe that the treaty, international law and the negotiating record bind the parties to a ban on all INF missile systems as provided for by the treaty.

Chairman NUNN. Thank you, Mr. Ambassador. You got the next part of that question in your answer.

If you believe the understanding is both clearcut and mutually shared, what is wrong with having the Soviet Union confirm this understanding in writing, in some form of writing?

Ambassador GLITMAN. Well, in the context of the INF Treaty the parties understand the term "weapon delivery vehicle" to mean any INF missile system in which the missile carries a weapon—that is, any mechanism or device which when directed against a target is designed to damage or destroy it.

Accordingly, it is not necessary to confirm this understanding with the Soviet Union, in our view, as a condition to the Senate's giving its advice and consent to ratification of the INF Treaty.

Chairman NUNN. Thank you, Mr. Ambassador.

Ambassador GLITMAN. Mr. Chairman, I might add on to that that, nevertheless, in light of the concerns raised by the Senate Armed Services Committee in its review of the treaty, the Secretary may have raised this issue with Foreign Minister Shevardnadze to obtain confirmation.

Senator WARNER. In which case, Mr. Chairman, I think we would have to have the Secretary come back up and give direct testimony to plug that hole. That would be this Senator's view—or it could be a written communication.

Chairman NUNN. At a minimum. But my own view is we have to have something in writing from the Soviet side, but we can discuss that later.

At this stage I would like General Herres to answer questions of the same security classification at this time. I am trying to determine which ones would be at this classification level rather than having to clear the room.

General Herres, I am going to ask you questions 15, 16, and 17, and then go to questions from the panel. We will complete this section of the hearing and then clear the room so we can go to the other section of the hearing. So I am referring to questions 15, 16, and 17.

General HERRES. Mr. Chairman, the first 14 can be answered at the Secret level as well.

Chairman NUNN. They can? Senator Quayle.

Senator QUAYLE. I would hope we would be able—you go through your questions to General Herres and then maybe be able to get into a discussion at this level. I do not think at this particular point we are going to get too much beyond that. Is it your desire after this to clear the room?

Chairman NUNN. It depends on the classification. My understanding was we were going to be getting into classified black programs. General Herres, are you saying we can have everyone in the room now for all these questions?

General HERRES. For the ones that were attached to your letter, yes, sir—those 17 questions. I do not see any reason why we cannot. Do you, Cliff?

DR. ROBERT DUNCAN, DIRECTOR, RESEARCH AND ENGINEERING, DEPARTMENT OF DEFENSE

Dr. DUNCAN. No, not those first 17, Mr. Chairman.

Chairman NUNN. All right. I will go through these and then I will open it up for others.

Dr. DUNCAN. I will try to answer the first 14, Mr. Chairman, and General Herres is going to try to do the last three.

Chairman NUNN. And you have no objection to anybody being in here for the first section?

Dr. DUNCAN. No, sir.

Chairman NUNN. Which advanced nonnuclear weapons technologies other than high energy explosives—for example, high-powered microwaves, laser kill mechanisms, particle-beam generators, et cetera—are currently under study by the Defense Department which have potential application to cruise missile or ballistic missile delivery vehicles?

Dr. DUNCAN. DOD's Advanced Research Projects Agency is studying the high-powered microwaves, lasers and particle beams.

Chairman NUNN. Is that all?

Dr. DUNCAN. [Deleted.]

Senator WARNER. And those would fall within the definition of having the potential to cause damage or destruction to a target?

Dr. DUNCAN. They could, yes, Senator, although less so perhaps than the three examples that were listed here in the question. These are the best examples.

Chairman NUNN. These are the best examples of those that would cause destruction?

Dr. DUNCAN. Yes.

Chairman NUNN. Of these advanced technologies which show the greatest promise of being available for possible deployment in the near to mid-term—that is, for the next 5 to 10 years?

Dr. DUNCAN. [Deleted.]

And, as you know, we testified the other day that we are doing some of that work in the balanced technology initiative.

Chairman NUNN. Which most likely will only be available much further in the future—that is, not within 10 years?

Dr. DUNCAN. The furthest away—you are asking me to be clairoyant, but the furthest away in terms of weapons applications I would say would be [deleted].

Chairman NUNN. We know these questions are subjective in this respect. Is there anything else that it is pretty well certain would be only after at least a decade?

Dr. DUNCAN. Yes, sir.

Chairman NUNN. Anything beyond that?

Dr. DUNCAN. You mean beyond the decade? [Deleted.]

Chairman NUNN. How about anything beyond that technology?

Dr. DUNCAN. I can think of no examples beyond that technology.

Chairman NUNN. How would you assess the potential utility and effectiveness of these advanced weapon technologies in comparison to what we can reasonably expect in the area of evolutional improvements toward a zero CEP conventional explosive standoff missile?

In other words, which shows greatest promise in the near to midterm?

Dr. DUNCAN. In my judgment, without question [deleted].

Chairman NUNN. In other words, we would have a much better chance of having [deleted].

Dr. DUNCAN. Yes, sir. [Deleted.]

Chairman NUNN. Do current studies indicate that these advanced technologies are likely to be equally applicable to air-, sea- and land-based missiles, or is it evident that certain technologies could only be applied in a ground-launched basing mode?

Dr. DUNCAN. Those advanced technologies can be applied either to air-, sea-, or land-based missiles. However, the payload on ground-launched missiles is not as dependent on weight and size factors as those which are carried on air- and sea-launched missiles. The survivability and flexibility aspects of air- and sea-launched systems offset the inherent advantage of the ground-launched systems.

Chairman NUNN. So the advantage of ground-launched systems is that it would not have the weight limitations?

Dr. DUNCAN. That is correct.

Chairman NUNN. What were you saying was the offset to that?

Dr. DUNCAN. It is the flexibility of the air- and sea-launched systems.

Chairman NUNN. That means ground-launched systems would probably be available sooner?

Dr. DUNCAN. [Deleted.]

Unless major breakthroughs are made in high temperature superconductivity, which may make a major change in that, we are unable to predict at this stage of the game.

Chairman NUNN. Do current studies indicate that these advanced technologies are likely to be most suited for application to missiles which strike at ranges below 500 kilometers, or is the application of these technologies relatively insensitive to the range of the weapon delivery vehicle?

Dr. DUNCAN. The application is relatively insensitive to the range. Longer-range systems require more fuel and therefore the payload in comparison to the overall size of the vehicle has to be smaller. Most of the military applications of these advanced technologies that we envision are insensitive to range. There are many suitable targets that are closer than 500 kilometers, from just beyond the forward line of troops to deeper forces.

Chairman NUNN. To what extent are the costs and/or engineering difficulties of applying these advanced technologies likely to be greater if they can only be applied in an air- or sea-launched mode?

Dr. DUNCAN. We do not see a great difference in the cost or engineering difficulties of such weapons for ground-, sea- or air-launched applications, [deleted].

Chairman NUNN. [Deleted.]

Dr. DUNCAN. The INF Treaty was not a factor in this [deleted].

Chairman NUNN. So there were no INF Treaty-related factors?

Dr. DUNCAN. No, sir.

Chairman NUNN. Does the Israeli HARPY radar attack drone have a range for INF purposes greater than 500 kilometers?

Dr. DUNCAN. Yes, it does.

Chairman NUNN. What is the range of that?

Dr. DUNCAN. I am told about [deleted] kilometers.

Chairman NUNN. If so, can the United States purchase or lease such a missile under the treaty for purposes of the foreign weapons evaluation program?

Dr. DUNCAN. No.

Chairman NUNN. That is a ground system?

Dr. DUNCAN. It is a ground system, yes.

Chairman NUNN. So that would be banned?

Dr. DUNCAN. That would be banned.

Chairman NUNN. Did the Defense Department know that?

Dr. DUNCAN. This was one of the subjects of discussion within the Defense Department and I was not in the Pentagon at the time.

Chairman NUNN. General Herres, did you all know that when the INF Treaty was signed?

General HERRES. We did not discuss HARPY, [deleted]. We did not discuss them that I know of.

Chairman NUNN. [Deleted.]

General HERRES. [Deleted.]

Chairman NUNN. We will come back on that question, if you will make a note.

Senator BRADLEY. Mr. Chairman, could the Israelis sell the HARPY to the Germans under the treaty?

Ambassador GLITMAN. Sure.

Chairman NUNN. If the HARPY missile is not purchased or leased by the United States but rather is loaned to the United States by the Government of Israel, can the United States flight-test the missile without violating the treaty?

Dr. DUNCAN. No, it could not. The United States could not flight-test the missile. However, the treaty does not apply to third countries and thus does not directly apply to an Israel flight-test program. On the other hand, direct U.S. involvement in a flight-test program for a third country would have to be judged on a case-by-case basis.

Chairman NUNN. How about if the Israeli Government flight-tests the missile at U.S. test ranges using Israeli technicians? Would that violate the treaty?

Dr. DUNCAN. That would be subject to discussion.

Chairman NUNN. A close call?

Dr. DUNCAN. Yes.

Chairman NUNN. Would you describe what the HARPY system is, how it works?

Dr. DUNCAN. I would like to call on one of my colleagues to do that, if I could, Senator.

General HERRES. Maybe we had better reserve that one, Senator. It is liable to stimulate other questions.

Chairman NUNN. Are there any restrictions on U.S. possession or flight-testing of a HARPY prior to entering into force of the treaty?

Dr. DUNCAN. No, sir.

Chairman NUNN. If the air-launched version of the TACIT RAINBOW missile were to be reconfigured as a ground-launched variant and the air-launched version had been tested at INF ranges, what changes would have to be made to the ground-launched variant to avoid having it covered under the treaty?

Dr. DUNCAN. [Deleted.]

In the INF Treaty, the terms—well, that is in the second part of your questions.

Chairman NUNN. In other words, would the two missiles have to be distinguishable by externally-observable differences, or would the two missiles have to be configured as different types, to the inclusion of functionally-related observable differences?

Dr. DUNCAN. In the INF Treaty, the terms EODS or FRODS are not used. The emphasis was on distinguishability. However, we would take care to ensure that we were carrying out our treaty obligations in good faith.

Chairman NUNN. Has the SEEK SPINNER drone ever been flight-tested at a range greater than 500 kilometers?

Dr. DUNCAN. No, sir.

Chairman NUNN. If SEEK SPINNER has a built-in design capability to fly at ranges greater than 500 kilometers but is restricted to ranges below 500 kilometers by the substitution of a small fuel tank, would flight-testing or deployment of this version of the drone violate the INF Treaty?

Dr. DUNCAN. It is my understanding it would not.

Chairman NUNN. That is pretty clear to you?

Dr. DUNCAN. Yes.

Chairman NUNN. Does OSD agree with the definition of "weapon delivery vehicle" presented by Ambassador Glitman at the beginning of this hearing?

Dr. DUNCAN. General Herres will answer.

Chairman NUNN. He can speak for the Chiefs. I was asking this question as to OSD.

JOHN WOODWORTH, DEPUTY NEGOTIATOR ON INTERMEDIATE-RANGE NUCLEAR FORCES, DEPARTMENT OF DEFENSE

Mr. WOODWORTH. Why don't I take that, Senator. Ambassador Glitman's statement represents the executive branch's view, which OSD supports.

Chairman NUNN. How about JCS? Does the JCS agree with the definition of "weapon delivery vehicle" presented by Ambassador Glitman at the beginning of this hearing?

General HERRES. Yes, sir, we do. We agree with the statement and we support that definition.

Chairman NUNN. I will also ask for a response to question 16 from both of you. Does OSD believe that the Soviet Union shares this definition of the words and can be held to this definition in terms of its future compliance?

Mr. WOODWORTH. It is the considered judgment of the executive branch that, in the context of the INF Treaty, the parties understand the term "weapon delivery vehicle" to mean any INF ballistic or cruise missiles that is tested or deployed to carry a weapon—that is, any mechanism or device which, when directed against a target, is designed to damage or destroy it. OSD supports this position.

Senator WARNER. Mr. Chairman, might he reflect on the letter from Caspar Weinberger as he answers that question?

Chairman NUNN. I am going to have just one more question, and then we will get into that.

Mr. WOODWORTH. I can hardly wait.

Senator WARNER. I will defer to Dan on that.

Chairman NUNN. Does the JCS believe the Soviet Union shares this understanding of the meaning of these words and can be held to this definition in terms of its future compliance?

General HERRES. Senator, we really have no way of knowing, other than what you have heard. We have no reason to think that that is not a clear understanding and we do support the position that the administration has taken.

Chairman NUNN. Does either OSD or the Joint Chiefs—I will ask each of you on this separately—does OSD prefer that something be put in writing on this, either by some action of the Senate or by some action of the executive branch, that the Soviets have to sign up to it in writing, to this definition?

Mr. WOODWORTH. No. We see no need to have that done.

Chairman NUNN. Is that something the Secretary of Defense has looked at or have you deliberated on it? Are you speaking for the Defense Department?

Mr. WOODWORTH. We have talked about it.

Chairman NUNN. You do not see a need to have anything from the Soviet Union in writing?

Mr. WOODWORTH. We are not persuaded that that is needed, no.

Chairman NUNN. General Herres, how about the Joint Chiefs?

General HERRES. At this point we do not see any reason to have that in writing.

Chairman NUNN. At what point would you?

General HERRES. We think that the definition is clear. The words are commonly-understood words. And we see no reason to think that the Soviets would not understand them the same way we do.

Ambassador GLITMAN. Mr. Chairman, if I may, you may recall I raised my hand earlier, and we got off on another topic. It was indeed on this very point, I would like to comment because I thought I heard you suggesting that maybe something in writing might be needed.

I do believe that if one looks at the language of the treaty, the clearcut ban that is in article VI on all future systems, if one looks at the definition-commonly understood in both English and Russian of the word "weapon", if one looks at the application of international law to words that are used in treaties that are not defined—

namely the commonly-understood one is the definition that is used—I think the answer is that we have something in writing from the Soviets.

We have the treaty, and it binds them.

Chairman NUNN. Ambassador, I do not want to try to resolve this today, and I will not. We will all have to consider our positions on it, and there will have to be a decision made by the Senate itself in the final analysis, so it will be a matter of each individual's judgment.

I would say this. I think that the case would be much better if we had not gone through a couple of years of very, very strong debate in our own Government and between the executive and legislative about what your predecessors in 1972 believed were very, very clear words with the ABM Treaty. We have been through this, and that debate has a definite bearing on the perceptions of individuals. So we will have to make that judgment individually.

At the time the President decided to agree to ban conventionally-armed GLCMs and ground-launched ballistic missiles of INF range in the INF Treaty, did OSD—and I will ask the same question of the JCS—realize that this ban would apply comprehensively and would cover not only conventional GLCMs and GLBMs of the INF range with explosive warheads but also more exotic or futuristic nonnuclear weapons technologies?

My first question would be to OSD. Did the Office of the Secretary of Defense understand that the conventional ban would cover not only conventional GLCMs and GLBMs but also more exotic or futuristic nonnuclear weapons technologies?

Senator WARNER. Mr. Chairman, I wonder if you would look at that question a minute. It seems to me, in view of the testimony, the question should read: At the time the President decided to agree to ban conventionally-armed GLCMs and GLBMs of INF range and futuristic systems under this treaty, did OSD realize that this ban included what you said it included.

Chairman NUNN. Wait a minute. What?

Senator WARNER. It seems to me that at the time the President decided to ban conventionally-armed GLCMs and GLBMs, did he also make it clear he was banning the futuristic. As I understand it, it was a Presidential decision.

Chairman NUNN. I think that is basically what I am trying to ask.

Senator WARNER. I hope the record reflects it, that it was a Presidential decision to encompass all of them; is that not right, Mr. Ambassador?

Ambassador GLITMAN. Yes.

Senator WARNER. And then the question would be: did his respective departments, OSD and the subcompartment under that, JCS, recognize the full extent of that direction?

Chairman NUNN. That is right. That is the question. First, the Defense Department.

Mr. WOODWORTH. Let me just say first—and I will repeat something you have heard before—that we do not as a matter of policy comment on internal executive branch deliberations. However——

Senator WARNER. Now that we are here.

Mr. WOODWORTH [continuing]. Since we are all gathered, during the INF negotiations OSD specifically considered the impact of the INF Treaty, including its definitions, on weapons programs. OSD understood, for example——

Senator WARNER. Could you repeat that and articulate it very carefully?

Mr. WOODWORTH. We understood, for instance, that the INF Treaty would have an impact on the SEEK SPINNER and TACIT RAINBOW programs. As an active participant in the INF negotiations, OSD was well aware that the common sense meaning of "weapon delivery vehicle" would apply in the treaty.

In the context of the INF Treaty, the U.S. Government used the term "weapon delivery vehicle" to mean any INF ballistic missile or cruise missile tested or deployed to carry a weapon, i.e., any mechanism or device which, when directed against a target, is designed to damage or destroy it. This means that INF ballistic or cruise missiles using new weapons technologies to destroy targets would be banned.

Chairman NUNN. General, could you answer that for the JCS?

General HERRES. Yes, sir.

Senator WARNER. Let us get that last phrase—destroy. You want to include "damage", because it is important?

Mr. WOODWORTH. That would be correct.

Senator DIXON. He said damage or destroy.

Senator WARNER. I did not hear that. I want that in there, that that is what your intention is, because to me there is a difference between destroy and damage. Damage is a term of relativity and it could be a minor damage or a major damage.

Senator GRAMM. What about "confuse and befuddle"? [Laughter.]

Senator WARNER. Did the witness intend to include damage as well as destruction?

Mr. WOODWORTH. Yes.

Senator QUAYLE. Mr. Chairman, in reading the question here, you are on question 17, right? At the time the President decided to agree to ban the conventionally-armed, that time was around September 1, correct, of 1987. At that time, that was the Department of Defense's understanding of what a weapons delivery system was?

Mr. WOODWORTH. Let me explain that. We used the common sense definition. We chose to do that, as indicated and demonstrated by the fact that we did not choose to define it in the treaty. OSD and all other agencies in the Government understood that we were not attempting to define that term and we were taking it to use it with its common sense definition or meaning.

Senator QUAYLE. And what its common definition was?

Mr. WOODWORTH. That is correct.

Senator QUAYLE. And everybody understood what the common definition of a "weapon" and "weapon delivery" system was?

Chairman NUNN. Why don't you pin that down? "Everybody" is pretty broad.

Senator QUAYLE. I think that is what he is saying. Everybody understood that, right?

Senator WARNER. He can only speak for DOD, as I understand it.

Senator DIXON. Mr. Chairman, if the chairman would yield and my colleague from Indiana would yield, that is my confusion here, too. I heard the Ambassador in particular and others suggest that they were dealing—if I could have the Chair's attention, because it is important to clarify this. I think that they were dealing in what they called commonly-understood phrases.

I thought the Ambassador suggested that, for instance, the terminology "conventional" and "nonnuclear" were, I thought he said, interchangeable. Now I do not want to misrepresent what he said, but that was the impression left with at least this Senator. But I never did understand whether it was our side that had that view or whether you were suggesting to us that both sides in the course of the negotiations held that same view.

I do not think that is clear, to me at least. Maybe it is clear to others. I think it is terribly important in understanding what they were really saying as they negotiated in that sense.

Chairman NUNN. I think the Ambassador's opening statement probably dealt with that. I do not know whether you had a chance——

Senator DIXON. I was here for everything. I did not get the impression—would you ask the Ambassador whether he knew that they meant that? I heard him say how they interpret this under international law and all that sort of thing, but was it commonly understood in their exchanges and the negotiations between both sides that they were interchangeable terms, and do they feel that way about it?

Ambassador GLITMAN. That is absolutely correct, Senator. We used the phrase "nuclear-armed" and "nonnuclear-armed" or "nuclear" and "conventional", but it was "nuclear" and everything else. So sometimes we would say conventional. We would include in that anything that was not nuclear. Sometimes we would say nonnuclear-armed.

Senator DIXON. Both sides did?

Ambassador GLITMAN. Both sides did that.

Senator LEVIN. Can we get back to Dan's question as to when that definition was done?

Senator QUAYLE. Alan, I think on the point there is a lot to that question. I have an entirely different—I think somewhat different viewpoint of that. But I do not know what the procedure is.

Chairman NUNN. I am about to wrap this up here.

Senator QUAYLE. But the time.

Senator LEVIN. They did not answer.

Chairman NUNN. Why doesn't somebody state exactly what the question is you want to pose? Dan, you state the question.

Senator QUAYLE. We are getting to this point, conventionally, that everyone understood on what the ban meant. And I will submit that the understanding was by many that it did not ban futuristics, that the ban applied to conventional warheads, as we know it, and nuclear warheads and chemical warheads.

As a matter of fact, the former Secretary of Defense, who at this particular time was Cap Weinberger, the former Director of ACDA, at this particular time Ken Adelman, have said that that was their understanding and their understanding was that it did not apply to futures.

It did not apply to so-called futuristic systems, that it was not discussed. So, therefore, it is not whether there was a meeting of the minds between the United States and Soviet Union—we may be able to get that, if that is our desire, if there is some sort of exchange of letters and renegotiation with the Soviets—but the point is our side did not even have that common understanding that we are talking about today, according to letters and things that I have, that the futuristics were certainly not even talked about.

We have now discussed that it was not even brought up in conversations, let alone memcons, to nail down futures.

Senator LEVIN. When did they decide TACIT RAINBOW and SEEK SPINNER would be banned by a deal eliminating conventional? I do not know that they answered that question. Was it before the Presidential decision or after? I did not hear the answer to that question.

Senator QUAYLE. TACIT RAINBOW and SEEK SPINNER?

Mr. WOODWORTH. Those systems, for example, were dealt with explicitly before the President's decision.

Senator LEVIN. Those are nonnuclear systems; is that correct?

Mr. WOODWORTH. That is correct.

Chairman NUNN. When you say "dealt with", what do you mean by "dealt with"?

Mr. WOODWORTH. They were addressed in the context of the administration examination of this issue leading to the decision that was taken.

Chairman NUNN. You are saying that OSD dealt with it at that time, understood that those systems would be banned if it was in this range and they were ground-launched?

Mr. WOODWORTH. It was understood that the decision to ban all INF GLCMs and GLBMs under the treaty would affect those programs.

Chairman NUNN. By whom? Did OSD understand that?

Mr. WOODWORTH. Yes.

Chairman NUNN. Who are you speaking for in OSD?

Mr. WOODWORTH. I am speaking for OSD.

Senator WARNER. Weinberger and Carlucci in succession?

Chairman NUNN. That is what I am trying to pin down. We have got a letter from the Secretary of Defense at that time that disagrees with that. Ambassador, can you tell us who in OSD focused on it and who understood it?

Ambassador GLITMAN. Try him.

Mr. WOODWORTH. I am not sure that Secretary Weinberger's letter, which we have seen, disagrees with that.

Chairman NUNN. Let me just go back and repeat my question.

Mr. WOODWORTH. What I will tell you——

Chairman NUNN. Let me just repeat my question, then I am going to ask General Herrres for the Joint Chiefs, and then I am going to skip through my questions and defer.

We will open back up this question and others.

Who in OSD are you referring to when you say the OSD understood and dealt with it?

Mr. WOODWORTH. Let me put it this way. I am referring to the institution.

Chairman NUNN. Well, I have been here 16 years, and I do not know what that means. [Laughter.]

You have got to narrow it down. Give us some names of people who understood this.

Mr. WOODWORTH. It was my opening remark that we do not, as a matter of policy, discuss internal deliberations. It is getting rather tattered around the edges.

Senator LEVIN. But since we are all here——

Mr. WOODWORTH. [Deleted.]

Senator QUAYLE. [Deleted.]

Mr. WOODWORTH. [Deleted.]

Chairman NUNN. That they had been precluded or would be precluded if we wrapped up a treaty based on the definition?

Mr. WOODWORTH. [Deleted.]

General HERRES. Can I help out a little bit? I know this is an OSD question, but I do work with OSD all the time, and I was there and John was not, unfortunately, during this period of time. I cannot really speak for what went on in the minds of the people in OSD, but I know we had staff discussions, discussions amongst our own staff, and I think it is a reasonable assumption——

Senator WARNER. Staff of the JCS?

General HERRES. Yes, sir, our staff, the Joint Staff. It is a reasonable assumption that those discussions spilled over and extended somehow or other into the OSD staff. Now exactly who or when or how I could not say, but SEEK SPINNER and TACIT RAINBOW were discussed, and the ramifications as they would pertain to these programs were discussed.

We were not concerned, of course, with SEEK SPINNER because it was only a couple of months earlier that the Joint Requirements Oversight Council had recommended that SEEK SPINNER be cancelled because of its overlap with the TACIT RAINBOW program, and we recognized that TACIT RAINBOW would not be covered by the treaty because the air-launched version would be the only one that would go beyond the range threshold, and the air-launched version would not be covered by the treaty.

Chairman NUNN. General, do you consider those two systems to be in the same category—we are using the words "futures" and "exotics" again—do you consider those two systems that we have referred to here to be in the same category as futures like lasers and particle beams?

General HERRES. No, sir. No, I do not.

Chairman NUNN. That is a different category?

General HERRES. Because they existed. They used conventional HE—conventional conventional.

Chairman NUNN. Does that really tell us anything by citing these two systems?

General HERRES. No, I was just trying to answer the question. The question was about those two systems.

Chairman NUNN. I understand that, but that has been cited as an example by Mr. Woodworth, and what you are saying is that really is not the same category of weapons that we are talking about when we use the words "futures" or "exotics", like lasers.

General HERRES. That is true. Yes, sir.

Chairman NUNN. Do you disagree with that?

Mr. WOODWORTH. I do not.

Chairman NUNN. So what does the example tell us, then?

Mr. WOODWORTH. That systems of that kind which have been discussed were considered prior to the decision.

Chairman NUNN. That example does not lead us to conclude anything about the Joint Chiefs or OSD discussing future systems as pertaining to this definition of INF, does it?

General HERRES. Only the implication that systems that did not exist were discussed, purely by implication.

Chairman NUNN. Let me ask one other question.

General HERRES. Systems that were not fielded.

Senator QUAYLE. Could I follow up on that point?

Chairman NUNN. Yes.

Senator QUAYLE. Did the Joint Chiefs discuss, as you discussed SEEK SPINNER and TACIT RAINBOW, the high-powered microwave emitters, laser kill devices, particle beam devices?

General HERRES. Would you like to answer 17 and then carry on from there? I mean, if you want to get 17 on the record, we can go ahead and get that out of the way.

Chairman NUNN. Let me just ask if there is any internal memorandum or documentation discussing this understanding with JCS or OSD?

General HERRES. We are still on OSD.

Chairman NUNN. General Herres, I think I ought to go back and ask the question. I do not think you have ever answered the first part of 17.

General HERRES. No, sir.

Chairman NUNN. Let me repeat it. At the time the President decided to agree to ban conventional GLCMs and GLBMs of the INF range——

Senator WARNER. And to ban futuristic.

Chairman NUNN. No, that is the second part of my question, Senator Warner.

Senator WARNER. It seems to me it was one broad Presidential decision. I will defer to the Chair.

Chairman NUNN. If you put that there, the last part of the question does not become relevant. At the time the President decided to agree to ban conventionally-armed GLCMs and GLBMs of INF range under the INF Treaty, did the JCS realize that this ban would apply comprehensively and would cover not only conventional GLCMs and GLBMs of the INF range with explosive warheads but also more exotic or futuristic nonnuclear weapons technologies?

General HERRES. Let me begin my answer with the usual caveat regarding the sanctity of executive branch deliberations.

Chairman NUNN. We will stipulate that.

General HERRES. Not to mention our own JCS deliberations, but I think I can say in a way that would be helpful that when JCS considered whether or not the INF Treaty should ban conventionally—as well as nuclear-armed GLCMs of the INF range they did consider weapons in a broader context than the simple category of explosive devices.

There was no intent that some grouping or category of nonnuclear weapon delivery vehicles should be excluded with either current or future technologies. The capture of chemical weapons was specifically discussed and intended. I think that clearly implies that the application of the treaty to a broader range of weapons than simply the high explosives category was intended.

The JCS have subsequently affirmed the comprehensive aspects of this ban and the consideration given to the opportunity to deny the use of these nonnuclear systems to the Soviets.

Senator **Dixon**. I thought chemical was in existence.

General **Herres**. [Deleted.] I only offer that as a basis for inference to point out that we did consider another category other than the more conventional conventional, and ask the simple question how many categories would we have had to consider in order for one to infer that we considered everything.

I mean, you know, when you deliberate something like this there is always somebody who can walk in the room and give you one more what-if that you might not have considered. So there was never any indication whatsoever that we meant to exclude anything, and I would say, conversely, that had there ever been any intent to exclude anything I have little doubt that it would have been discussed.

Chairman **Nunn**. Is there any internal memorandum or documentation discussing this understanding within the JCS?

General **Herres**. Again, I do not think it is fair for us to have to get into executive branch deliberations in that regard.

Senator **Quayle**. Is he asserting executive privilege?

General **Herres**. Well, I do not know how you want to characterize it.

Senator **Quayle**. So you are asserting executive privilege. That is perfectly within your right if you want to assert it, but I think we ought to know.

Senator **Warner**. Well, first you would have to say that something exists, and then he asserts executive privilege not to disclose it.

Senator **Quayle**. I guess you cannot assert it on something that does not exist. Do you want to assert it or not? [Laughter.]

General **Herres**. I do not know of any memoranda.

Senator **Quayle**. So you do not know of any memorandum that discussed this.

General **Herres**. I have not seen any.

Chairman **Nunn**. Now I am through with my questions. Thank you. I thank the members for their patience. I thought it was important to get these questions and answers on the record. That does not mean we have covered everything.

Senator **Warner**. I think the Chair has done a very commendable job. I think the record has been made in a way that would be very beneficial to the Senate.

Let me just generalize for a minute, gentlemen and ladies. As the Senate has developed its corporate knowledge of this treaty to date I think it would be fair to say that most Senators, be they on this committee or Foreign Relations, were under the impression that this particular area of the treaty dealt with nuclear or conventional or chemical in the generic terms of the weapons that are in existence today.

If I understand what we have developed today, it is that the administration wishes to interpret the treaty today as saying not only those categories but futuristic were intended to be included, are included, and the record supports that. I am not here to debate that any further, but the question I would put first to Mr. Duncan, assuming that the Senate, when it examines this issue, is willing to accept the administration position that this ban covers a wide range of weaponry, including futuristic, the bottom line is what have we given up.

Have we given up something of great value to the near-term and long-term national defense interests of this country?

Dr. DUNCAN. In my judgment, Senator Warner, all of the futuristic weapons we have been talking about are in advanced research and we are not giving up anything in terms of that advanced research. The range sensitivity of these weapons, they are not far enough along to determine that.

It is very possible that such a weapon could be used in the range that is banned by the treaty, but it certainly does not preclude us from developing it, and it probably would challenge our ingenuity to figure out a way to accomplish the mission without being limited by that range ban.

Chairman NUNN. So the bottom line is you do not think we are giving up much?

Dr. DUNCAN. No, sir, I do not. I do not think we are giving up much.

Senator WARNER. Well, I accept that professional opinion. It is on the record.

Were you as an individual or any persons around you in your present position and the prior one as head of DARPA ever asked that question, namely if this treaty is to cover futuristic systems what those systems might be and of what value to the near-term and long-term security interests of this country would they be?

Dr. DUNCAN. No, sir, I was not asked.

Senator WARNER. Is there anyone else within the Department of Defense or any of its satellite organizations, such as DARPA, asked, to your knowledge?

Dr. DUNCAN. [Deleted.]

Senator WARNER. But you were not asked?

Dr. DUNCAN. But I was not asked.

Senator WARNER. Would you not have been a logical one to have been consulted?

Dr. DUNCAN. At the time that these things were going on, which was in the mid and late part of last year, I was the Director of DARPA. DARPA is an independent agency.

Senator WARNER. But it is within the satellite family of the Department of Defense.

Dr. DUNCAN. But it is within the satellite family. I am told that there were DARPA people who were involved in supporting or involved in the conventional GLCM definition. But I was not aware that this whole issue was being discussed as part of the treaty.

Senator WARNER. Even though you were——

Dr. DUNCAN. Even though I was the Director of DARPA, and I was Assistant Secretary of Defense for Research and Technology at the same time. It is probably my fault that I did not know.

Senator **Warner**. Now wait a minute. Why would you want to say that? I am not trying to find fault. I am just trying to figure out how the system worked and how much we gave up. I think you are answering those questions. I am not trying to press any search.

Now, General Herres, as the JCS looked at this—and I think you have done the best you can to describe that—would you say there was a general consensus in the September and thereafter timeframe when you received your Presidential directive, and now that you have reexamined the question in light of specifics raised by this committee and perhaps other committees and other Senators, did we give up anything of great value to the near-term and long-term security interests of this country?

General **Herres**. Well, sir, as I implied when I was before this committee a couple of weeks ago, in any arms control agreement you give something up. That is what they are all about. What is important is the net. What do you give up versus what they give up? That was all very carefully considered by the Joint Chiefs of Staff.

Each of the service staffs looked at the whole problem of what this would mean, the inclusion of nonnuclear missiles in these categories, and the view was that we would be at least at break-even, if not the gainers, on this particular issue, principally because of the kinds of considerations I have talked about before.

If we drive the Soviets toward the exploitation of ground-launched ballistic missiles for the delivery of damage or destruction mechanisms, whatever types they may be, we may very well drive them to a position of advantage because of the situation, the geographic situation, in the area that is being defended in Europe.

Senator **Warner**. Geographic. Then I come back to Dr. Duncan with the following question.

General **Herres**. Not the only consideration. That is just one of the considerations. So we coupled that with, as I mentioned before, the judgment that anything we would wish to do with weapon delivery vehicles in this category we would prefer to do, other than the basing mode, we would prefer to do with sea-launched or air-launched platforms because of the flexibility.

Senator **Warner**. I want to pin down, though. It apparently was the judgment of the JCS that in view of the fact that two other delivery systems existed, in view of the uncertainties as to the state of the technology—hopefully you did look into it to some extent—you did not give up a great deal?

General **Herres**. No, sir. But really the uncertainties with regard to the technology would not have been a driver, because if we had thought that there was potential there in which we would be the net loser, we might not have come to this conclusion.

Senator **Warner**. I am not sure you got the full spectrum of advice procedurally. If you got that, though, it would probably be as it was delivered today and would reinforce your conclusion.

General **Herres**. Well, each of the services is looking downstream toward weapons systems of the future and, of course, they are all well aware of what DARPA does.

Senator **Warner**. I am not sure who is aware of what, but I want to get quickly on to another aspect of it, and that is verification. Given now that we are confronted with a treaty which has this rather expanded category of front ends on ballistic and cruise missiles, what do you feel is the capability of this country to verify the wide range of potential systems the Soviets could devise?

General **Herres**. Well, verification in this category—I guess I better nail it down. You are talking about the entire category, including nuclear, or are you talking about the nonnuclear?

Senator **Warner**. You have got nuclear and conventional and chemical, and now you have got futuristic. The futuristic seems to some of us to be a new element in this, and when I and others on this committee sat with the Intelligence Committee, I am certain, having consulted with the Chairman and Vice Chairman, that we were focusing on those three categories of weapons at that time.

And now we look at a fourth category, which we will call futuristic. The question is, is this country capable of providing that degree of verification that we felt was adequate for the other three categories?

General **Herres**. That is very difficult to say at this point, Senator, because unless we know more about what futuristic system it is that we would need to discover in order to assure compliance, it is kind of hard to judge how we might discover that. I would simply say that we do have the entire network of intelligence resources available, and it is hard to say which would be the most likely source of some noncompliance indication. We have to depend on that network.

Senator **Warner**. There was some preliminary work done by the Intelligence Committee at my direction. It appears that—and I will just state this for the benefit of other members—staff discussion with the administration indicates that the intelligence community was not tasked to evaluate the ability of U.S. intelligence to monitor future exotic systems. Thus, if such an interpretation is taken by the administration which it has today, monitoring and verification implications will need to be studied by both the intelligence community and the Senate Intelligence Committee.

So I think this is the position.

General **Herres**. I would simply make the point, however, Senator, that the intelligence community is represented by the DCI in the interagency process, and this decision was worked in the interagency process.

Ambassador **Glitman**. If I may, Senator, we did at some length discuss with the Intelligence Committee the question of why we banned the conventionally-armed GLCM, and one of the reasons for the ban was the difficulty of verifying the difference between a conventional and a nuclear force.

I do think that one could take the question you asked and turn it around and say let us assume that the administration had decided, contrary to all the evidence as I see it, that the treaty allowed lasers and whatnot. How would we verify that the laser system was not nuclear?

Senator **Warner**. Precisely the point I was leading to. In other words, futuristic has, in my judgment, greater difficulty of verification, I suppose, and therefore if you eliminate them the tail comes around chasing you again. How do you find out if they did eliminate?

General HERRES. I do not think it is fair to assume that, Senator. Some of these things might be harder to conceal. The test and development may be harder to conceal. I do not know. It depends on the system.

Ambassador GLITMAN. Because we are not talking about a ban. I think it is far easier to verify a ban on these future systems than it would be to verify a situation in which they were permitted and would then show up in a form which we would have difficulty assuring ourselves was not nuclear.

Senator WARNER. Did you ask the intelligence community if they can tell the difference between a directed energy system for soft kill and one for reconnaissance?

Ambassador GLITMAN. We were receiving questions rather than asking them at that point, Senator. I do not mean that facetiously, but we did not get those kinds of questions in the committee.

Senator WARNER. I said did you ask the intelligence community.

Ambassador GLITMAN. I thought you said committee. No.

Chairman NUNN. Senator Warner, could you identify that?

Senator WARNER. This is just a document I had prepared for my own use, Mr. Chairman.

Chairman NUNN. Is that a committee document?

Senator WARNER. No, but it can be made a committee document. I would be happy to include it in the record.

Chairman NUNN. Is that an Intelligence Committee document?

Senator WARNER. It is a memorandum prepared by my staff on the Intelligence Committee.

Chairman NUNN. It is your staff.

Senator WARNER. It is available to any member here. I know the Intelligence Committee is going to have a comparable hearing to this on the issue, and those questions can be perhaps better propounded there.

My last one to Mr. Duncan. One of the reasons I have emphasized time and time again if we are going to move to this what I call rather expanded definition of "weapons" and so forth, to me there is a great distinction between damage and destroy. Do you think that we can use damage as a criteria here? How do you determine what can damage or destroy? What degree of damage would then render a system banned by the treaty?

Dr. DUNCAN. Well, that is a question I find very difficult to answer. Take an electronic system which is part of the avionics system of an aircraft. If you knocked out that electronic system, you could in effect negate the capabilities of the aircraft to carry out its mission. But I think that we would call that a damaged aircraft and not a destroyed one, because it can still fly.

Just as we have talked about difficulties of definition of lots of things related to the INF Treaty, I do not know that we have really a clearcut definition of those things.

Senator WARNER. It is going to be a difficult standard to apply, a very difficult standard.

Dr. DUNCAN. Very difficult. Yes, sir.

Senator WARNER. In the absence of the Chair I think I would indicate I have probably gone my full 5 minutes, and as a courtesy I would yield my time.

Senator DIXON. Mr. Chairman, I wonder if my friend from Michigan would yield for a 1-minute statement because I have to leave to preside and I will not be able to stay for my round.

Senator LEVIN [presiding]. I would be delighted to.

Senator DIXON. I would just like to make this observation to my colleagues. I have been very interested in the testimony. It has been very helpful and I thank the witnesses.

But what bothers me here is the returning each time by my friend the Ambassador and others to the fact that they made these statements and the interpretation is because of a common understanding of what language means. They used "conventional" interchangeable with everything except nuclear, which would encompass futuristic because of the common understanding of what language means.

I just want to say I am not a lawyer who understands diplomacy, but I am an old trial lawyer, and sometimes in cases we would use Webster as an instruction to the jury about common understanding of what language means.

I want to read to you "conventional" in the Webster's dictionary: "established by general consent or accepted usage; ordinary; represented in a generalized or simplified manner; habitual; customary."

Senator LEVIN. If you would yield to me, I think the word that they are talking about is "weapon" that they used in the ordinary meaning.

Senator QUAYLE. Look up the word "weapon".

Senator LEVIN. As I understand from all their testimony the word "conventional" was a word which the negotiators were using as meaning nonnuclear. They had established that as a shorthand in the negotiation for nonnuclear. Is that right, Ambassador?

Ambassador GLITMAN. That is correct.

Senator DIXON. But it is also encompassing futuristic.

Senator LEVIN. Is that true?

Ambassador GLITMAN. That is true.

Senator LEVIN. But the word you use in ordinary meaning, which you defined over and over again, is the word "weapon". Now I do not know what they say about "weapon" in there, but I understood that what they mean by common meaning is "weapon" as meaning any mechanism or device which, when directed against a target, is designed to damage or destroy it. That is what I understood their common meaning reference to be referring to. Is that correct?

Ambassador GLITMAN. That is correct, Senator.

Senator LEVIN. And that the word "conventional" was established by the understanding of the parties as meaning everything that is not nuclear, and that was the understanding. They interchanged it, as a matter of fact, with the word "nonnuclear".

Ambassador GLITMAN. That is correct, Senator.

Senator DIXON. Are you suggesting to me, Senator, that it is not part of the testimony that they contemplated that conventional actually contemplated futuristic? That is my understanding of the testimony.

Senator LEVIN. No. They said that conventional was everything other than nuclear—everything other than nuclear.

Senator DIXON. Including futuristic?

Senator LEVIN. Everything other than nuclear.

Senator DIXON. I agree with you.

Senator LEVIN. Every weapon other than nuclear weapon, and then they go to the word "weapon" and they say a weapon is any mechanism which can damage or destroy. That is what they are saying. Over and over again they say the negotiators used the words either "nuclear" or "nonnuclear" at times, "nuclear" or "conventional" at times. And the word "conventional" and "nonnuclear" were used synonymously by the negotiators. They did not say the dictionary defined the word "conventional" as meaning nonnuclear.

Senator DIXON. No, but the witness did state that the common understanding in the vernacular among those diplomats in this discussion they had referred back to ordinary understanding of what the terminology means.

Senator LEVIN. The terminology I think they were referring to was the terminology of "weapon", because he said that the negotiators treated the words "nonnuclear" and "conventional" as synonymous, and that clearly is not the common understanding or common definition of the word "conventional". There is nowhere there, as you pointed out, that the word "conventional" means nonnuclear.

Senator DIXON. Or that it means futuristic.

Senator LEVIN. But they established their meaning in the negotiations.

Senator DIXON. Yes. But if I may, to continue this discussion just a little further, the witnesses' statement is that this was why we came to this understanding, because it is a common understanding. They did not necessarily say it. The chairman pointed out do you have anything in writing that supported it. They said no. But the conventional, ordinary interpretation of it.

My argument is that interpretation of "conventional" would not include futuristic.

Senator LEVIN. That is true, but I do not think they were referring to the word "conventional". I think they were referring to the word "weapon". Why don't we ask them?

Senator DIXON. All right.

Senator QUAYLE. What is the definition of "weapon"?

Senator LEVIN. That is the word they have defined.

Chairman NUNN [presiding]. The Chair has a query to make. Who has the floor? Senator Levin.

Senator LEVIN. I was happy to yield, though, to the Senator. Let me ask the question right now of the Ambassador.

As I understand your testimony—tell me if I am wrong because this is obviously important to a number of us—you used the word "conventional" and "nonnuclear" synonymously, the negotiators.

Ambassador GLITMAN. That is correct.

Senator LEVIN. And that the words "conventional" or "nonnuclear" were neither defined expressly by the negotiators to include futuristics or exclude futuristics?

Ambassador GLITMAN. That is correct. And the word "conventional" is not in the treaty.

Senator LEVIN. So in other words it is true they did not discuss futuristics as being included or excluded in the word "weapon" because the word "weapon" included every mechanism or device which is designed to damage or destroy a target. That is the common meaning of the word "weapon".

Senator QUAYLE. Would the Senator yield on that point?

Senator LEVIN. If I still have some time, but I want to get back—on that point, sure? Limit yourself to one point.

Senator QUAYLE. I think the time is not going to be any problem. You know, the dictionary thing, I looked up the word before I came over here, interestingly enough, "weapon", because we were talking about this definition. Let me just read.

This is Webster's "weapon": "Something to fight with; an instrument of combat; something used in destroying, defeating or physically injuring an enemy." Now this is a different definition than what we have here, what Webster's is than what the common understanding is.

Senator LEVIN. But they told us the common definition. They did not say Webster's. They said it comes from international law. What was your other source? Where did this definition come from of "weapon".

Chairman NUNN. Why don't we go back to asking the witness questions about it?

Senator LEVIN. Where did the definition of "weapon" come from?

Ambassador GLITMAN. The definition of "weapon" came from our effort to try to explain to this committee some time ago what the man out in the street would take as meaning a weapon. And we gave that definition and it has been confirmed. I can find definitions of "weapon" which say any device which can inflict damage or casualties on an enemy. We have got that.

But we all know what we mean by a weapon. I mean, we really do. We can laugh about various types of things, but we mean essentially what we gave in this definition, and the Russian language dictionary, the military dictionary of the Soviet Union, comes out with a very similar definition.

Senator LEVIN. If I could just ask these witnesses some quick questions, did anybody in your agencies ever suggest that the word "weapons" would not cover all weapons?

Ambassador GLITMAN. No, and I think the point to bear in mind here is when the delegation was asked to except from the coverage of the treaty certain areas, two areas, we got them excepted. I am talking about the ABM ASATs and the R&D boosters.

We had to make exceptions for two areas.

Senator LEVIN. With those exceptions that you have identified, did anybody in any other agencies ever suggest that the word "weapon" would not include all weapons?

Ambassador GLITMAN. No.

General HERRES. No, sir and I was involved in the discussions with the Secretary of Defense and Chiefs on a number of occasions when we addressed this, and the answer is no. And that enforces the point I made earlier.

Senator LEVIN. Let us go right down the table.

Dr. DUNCAN. No, sir.

Senator LEVIN. Anybody else?

Mr. WOODWORTH. Not that I am aware of.

Senator LEVIN. Was there any suggestion in any of the agencies that the word "weapon" would exclude weapons which had not yet been deployed?

General HERRES. No, sir.

Senator LEVIN. Just go right down the table. Ambassador Glitman?

Ambassador GLITMAN. I was in Geneva but I was unaware anybody had said——

Senator LEVIN. Did you ever hear that?

Ambassador GLITMAN. No, sir.

Senator LEVIN. Did you ever hear any suggestions in your agency that the word "weapon" would exclude weapons which had not been deployed?

Mr. WOODWORTH. I am not aware of any explicit discussion of what that would exclude, no.

Dr. DUNCAN. No.

Senator LEVIN. Let us get to your common definition or understanding of words. Mr. Ambassador, were you referring to the words—what words were you referring to? You said commonly-understood meaning of the term "weapon delivery vehicle". By the way, I do not see the word "conventional" in there, so I am not sure where Senator Dixon thought that that was what you were applying the commonly-understood meaning to. But, fair enough. He is not here to comment on that. He would be in the best position to know.

What is the terms that you are applying a commonly-understood meaning to? What are the words? Is it "weapon", is it "delivery", is it "vehicle", or is it all three together?

Ambassador GLITMAN. It is all three together, because it takes all three to meet the criteria. The delivery vehicle we understand to mean a cruise or ballistic missile, ground-launched, with a certain range.

Senator LEVIN. Is that defined in the treaty?

Ambassador GLITMAN. It is part of the treaty.

Senator LEVIN. Is it defined explicitly?

Ambassador GLITMAN. Not explicitly. And again that is another example. We have a common understanding of what a delivery vehicle is. It is not defined in the treaty; therefore, in determining what that word means, or thousands and thousands of other words in the treaty mean that are not defined, one has to fall back on common understanding, and international law provides for that.

Senator LEVIN. General, let me ask you a question about verification. You said it is hard to answer the question on verification because you do not know what these future systems might be. But we do know some examples of what some people mean by future systems or nonnuclear weapons technologies other than high energy explosives.

And they are listed in this question as high-powered microwaves, laser kill mechanisms, and particle beam generators. Now is there any wisdom you can give us on the verification aspects of those three items?

General HERRES. I probably could not go into too much depth at this level, except to say that there are possibilities of combining data from a variety of sources that would reveal a pattern. [Deleted.]

Senator **Levin**. Does anyone else have any comment on that question?

Ambassador **Glitman**. I would only add that not only would one have the pattern of activity but also the type of infrastructure, the forces they would have would be another indicator.

Senator **Levin** [presiding]. I am not sure if we are following a 5- or 10-minute rule. We will split the difference and call it 8 minutes. I do not know who was next here.

Senator Quayle is next. I think it was about an 8-minute rule here.

Senator **Cranston**. Could I ask one question on the verification matter?

Senator **Levin**. Would you yield to Senator Cranston for a minute, or do you want to yield to Senator Wilson?

Senator **Quayle**. I will yield to Senator Wilson, who has to leave.

Senator **Cranston**. I also have to leave.

Senator **Wilson**. Thank you, Mr. Chairman. I thank Senator Quayle.

I am curious because, there being no record of this in the negotiating record, I am curious as to what limits there were on this common understanding. Specifically, was there at any place in the record or any place during the discussion any limit as to the application of this commonly-understood definition to this treaty, to weapons that are not defined but, you said, understood as ground-launched cruise and ballistic missiles of an intermediate range?

The question that I have may seem afield, but I do not know that it is. I am concerned with this as precedent, precedent for START, precedent when someone seeks to apply it or argue it retroactively to the ABM Treaty. What limitations were explicit?

Ambassador **Glitman**. We did not, of course, discuss applications of this treaty to either treaties that are already in existence, which stand on their own and are not affected by the treaty, or forward to treaties that are being negotiated today. I think the answer is there is no necessary precedent at all.

Each of the negotiations will have to stand on their own two feet. That which has happened has happened—ABM—and that which is being negotiated is START. [Deleted.]

Senator **Wilson**. General Herres, was there at the time that this was being negotiated a discussion among the Joint Chiefs with respect to the limits of application of this definition?

General **Herres**. In the context of it being a precedent for air- and sea-launched and START? Yes, sir, we discussed that specifically. We were concerned, we are concerned, and our judgment was that we must and should stand firm and there must be a line in the dirt around this particular decision, recognizing, of course, that any subsequent decisions would be made individually and separately.

There is no reason for one to infer that because this decision was made with regard to the ground basing mode that it should be extended to other basing modes. In fact, we consciously discussed the fact that what we were really giving up is a basing mode for missiles which fall in this category, this range category.

Senator WILSON. How commonly understood is that?

General HERRES. Very commonly understood amongst the Chiefs, and I know it was discussed with OSD. I remember specifically.

Senator WILSON. How commonly understood is it at OSD?

Mr. WOODWORTH. That what we were giving up is a basing mode?

Senator WILSON. Yes. In other words, my concern is the precedent value that this commonly-understood definition may have.

Mr. WOODWORTH. I think it was understood we were banning a whole category of weapons.

Senator WILSON. Banning a whole category of weapons?

Mr. WOODWORTH. Yes.

Senator WILSON. Well, I find that damned disturbing.

Ambassador GLITMAN. He is talking about INF and I believe you are talking about START. I believe you are talking about START, Senator.

Senator WILSON. Yes, that was the question. In fact, anything outside of INF. How clear was the understanding—has this letter been discussed?

Senator QUAYLE. We have not discussed it yet.

Senator WILSON. How clear was the understanding within the Office of the Secretary of Defense that whatever the commonly-understood definition of what was banned by the INF Treaty did not extend to anything else, that it was not to be viewed as precedent for the START negotiations or retroactively to the ABM Treaty or any other purpose other than for the purpose of the INF Treaty?

Mr. WOODWORTH. I think it was clearly understood. We did not regard what we were doing in the INF Treaty as a precedent or any other sort of precedent for another treaty.

Senator WILSON. Is there any memorandum to that effect?

Mr. WOODWORTH. General Herres, do you know? We were very careful about the precedent.

General HERRES. I do not recall a memo specifically. I do remember on a number of occasions—I remember one specifically—with the Secretary of Defense and some members of his staff in the Tank when we pointed out that what we would have to be certain that we did not do is foreclose on the conventional, the nonnuclear ALCM and SLCM, that this decision was meant to apply only to the ground-launched basing mode and weapons of this range category.

And that part of the rationale for agreeing to that would be the protection of the conventional weapons, SLCM and ALCM.

Senator WILSON. And future technologies, whatever they might be?

General HERRES. In that conversation or discussion or any others I suggested we did not really talk about future technologies explicitly. We were talking about the general capabilities of a nonnuclear weapon delivery vehicle.

Senator WILSON. Ambassador Glitman, in a response that you made to Senator Levin's question about the three parts, was there a conventional meaning assigned to the three parts, or the three parts in conjunction? You said in conjunction. I am concerned again, for the reasons I have indicated, as to whether or not that was understood by the Soviets as something broader than applying simply to a basing mode for cruise and ballistic missiles of intermediate range.

In other words, what I am concerned with is whether or not there was, to use the phrase that so excited me a moment ago, anything as broad as a banning of a whole variety of weapons systems. This is the future technology problem. We have been through this in a different context in that of the ABM Treaty.

Ambassador GLITMAN. We banned only ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometers that are weapon delivery vehicles. We do not ban aircraft which have those ranges. We do not ban sea-based systems which have those ranges. Neither do we ban ground-launched missiles or any other kind of missile with ranges below 500 or above 5,500. We do not ban them and, therefore, we can put any kind of weapon on them that the U.S. Government, both branches, agree we want to put on them.

Senator WILSON. So, in other words, the ban really related to the delivery system rather than to the means whereby the destruction would be achieved?

Ambassador GLITMAN. The ban essentially relates to the delivery system, but the definition includes a weapon. So if it delivers a weapon then it does not matter what kind of weapon it delivers. It is banned if it meets the INF criteria, but only INF.

Mr. WOODWORTH. It has to be a weapon delivery system.

Ambassador GLITMAN. Otherwise, it will not be banned.

Senator WILSON. What I want to be certain is that in doing so you have not unintentionally extended the ban to include weapons systems delivered by some other delivery system not embraced in INF.

Ambassador GLITMAN. We have not. We have cruise missiles and ballistic missiles. That is what we have. They are defined in the treaty.

General HERRES. I think that is clear.

Senator WILSON. The reason I am harping on it is because there is no record of it in the negotiating record and therefore I think that we need to establish very clearly what the limits are so that there will be no confusion in the future.

Ambassador GLITMAN. I think there is a record in the treaty, Senator. We did discuss at some length the definitions in article II of the treaty, and there we define what is a cruise missile, what is a ballistic missile. The range definition is clearcut—500 to 5,500. The word "weapon" we have been over and over. I do not need to go back on that.

We know what ground-launched means. So the limitations are there. Insofar as the treaty is concerned, I think it is all there. It is all there, but not beyond. So those who are interested in seeing these technologies pursued can see them pursued on other delivery vehicles, sea-launched or air-launched, at greater ranges or at lesser ranges, in which case you could even include ground-launched then, if it is greater than or lesser than INF.

Senator WILSON. Thank you, Mr. Chairman.

Senator LEVIN. Would there be objection if we went to Senator Cranston for 1 minute before we recess? We will have to recess because there is a vote on. Would there be any objection? Technically he is not on the committee, but he is on this side.

Senator SYMMS. No objection if I can just leave a question for the record.

Senator CRANSTON. I appreciate that. Thanks.

I would like to ask Ambassador Glitman this question. Regardless of the weapon used in a weapon delivery mode would we be able to verify a missile being tested in a weapons delivery mode as opposed to a reconnaissance mode?

Ambassador GLITMAN. I believe we would—not necessarily a single missile, but if there were a pattern over time we would be able to verify it. And I would say it would be easier to verify in a situation where such things were banned than where certain types were permitted, and that we would have difficulty knowing whether that permitted type was carrying, for example, some exotic form of weapon or whether in fact it was carrying a banned type of weapons, for example a nuclear one.

Senator CRANSTON. Thank you. Thank you very much.

Senator LEVIN. Thank you. We are going to recess for 5 minutes.

[A brief recess was taken.]

Senator LEVIN. Let us come back to order. I understand Senator Cranston has one additional question and Senator Quayle was kind enough to yield for that purpose. I would appreciate it, though, that it be kept very short.

Senator CRANSTON. I thank you both very much. It is the same question. I would like to address it now to General Herres. The question was, regardless of the weapon used in a weapon delivery mode would we be able to verify a missile being tested in a weapons delivery mode as opposed to a reconnaissance mode?

General HERRES. Again, Senator, I think I agree with the answer that was given earlier, but I would have to qualify it to this extent. It would depend a lot on the damage mechanism what the degree of difficulty of discrimination would be. I can envision some weapons where it might be relatively easy to make that discrimination and others where it might be harder to envision.

You know, we are talking about futures and future technology. We really do not know exactly what we are talking about, and I would hate to lead you to think that verification is going to be a piece of cake with everything. It could be difficult, and we just have to take that on a case-by-case basis.

Senator CRANSTON. But I gather you feel if they actually got to the point of deployment that would be more detectable?

General HERRES. Particularly with these futures technologies we are talking about a long process [deleted]. And somewhere along the line I would expect by the time something got weaponized that we would have a pretty good handle on that, on what it would be.

Senator CRANSTON. Thank you.

Senator LEVIN. Thank you, Senator Quayle.

Senator QUAYLE. Thank you, Mr. Chairman. How are we going to divide this time up?

Senator LEVIN. You deserve at least 3 minutes more than anybody else because you have been so patient.

Senator QUAYLE. Why don't I just take about 15 minutes? You have got other questions, I presume.

Senator LEVIN. I have a few other questions, but if there is no one other than me, just keep going. If Senator Cranston has some, we will alternate back and forth.

Senator QUAYLE. Let me just start and you can interrupt if you want to.

Ambassador Glitman, let me ask this question. It was one of Senator Nunn's questions. I want to ask it in its broadest sense and in the broadest sense as far as communications with the Soviet Union, whether they be informal—not formal, obviously; I do not think we have had any formal negotiations or discussions with the Soviet Union, with the exception of perhaps Secretary Shultz' meeting with Foreign Minister Shevardnadze. Have you had any informal communications or are you aware of any informal communications by anybody with the Soviets concerning this issue?

I am thinking of it in its broadest sense. Do you have any sense at all that there has been any communications with the Soviets on this issue?

Ambassador GLITMAN. Aside from the Secretary's meeting with Mr. Shevardnadze this morning I am unaware of anyone else having raised this with the Soviets.

Senator QUAYLE. Does that apply to everyone at this table? I guess I would ask Ambassador Woodworth.

Mr. WOODWORTH. I have been advised that there was some discussion, but maybe—Doug?

Mr. GRAHAM. There were no official discussions that I am aware of, however——

Senator QUAYLE. I am using the broadest term possible. I think you all know what "broad" means—broad as far as informal discussions, communications, winks, lunches—you know the diplomatic nuances. We all know that the Soviets read our press.

Senator LEVIN. You want the commonly-understood meaning of the word "broad"? [Laughter.]

Senator QUAYLE. Are you going to confirm that there has been absolutely no communications at all?

Mr. GRAHAM. I am aware of something that does not involve any government-to-government communication. There was a Senate delegation in Moscow last week, and at that meeting it was clear from General Chervov that the Soviets were aware that this debate was going on in this country, and he raised it with some of the Senators present. But I am not sure that this qualifies, or that it answers the question you are raising?

Senator QUAYLE. Was raised with some of the Senators?

Mr. GRAHAM. Members of the Senate delegation who were in Moscow.

Senator QUAYLE. Raised it in such a way of saying what? He thought the futures were banned or not banned?

Mr. GRAHAM. He said he was aware the discussion was going on in the United States, that the Soviets were prepared to reach some sort of an agreement with the United States on that definition. And he went on to say that we would have to understand that such a definition would apply to all future treaties.

Senator QUAYLE. That that definition would apply to all future treaties?

Mr. **Graham**. That is what General Chervov said to a group of Senators who were in Moscow.

Senator **Quayle**. Well, there were State Department there who were at that meeting, I presume, or were there not?

Mr. **Graham**. There may have been someone there from the Moscow Embassy at the meeting. Yes, I believe U.S. Embassy personnel were present.

Senator **Quayle**. You are not aware of that?

Ambassador **Glitman**. I would have been on the lookout for that. In fact, I have alerted people to keep me advised of anything that appeared in the Soviet press or anything like this. I have not seen anything except for one article, a Tass piece which simply took note of the fact that the subject had been discussed in the Senate. That is all it said—no commentary other than there was a discussion of this issue.

Mr. **Graham**. This was a discussion with 11 Senators as part of a U.S. Senate delegation. There was no official representative from the administration present.

Senator **Quayle**. When you travel abroad you have State Department embassy people who are there and they write cables.

Senator **Cranston**. Not necessarily always.

Senator **Quayle**. Normally. I presume there were at this meeting.

Ambassador **Glitman**. It is a good idea to do so, let me just say. [Laughter.]

Senator **Levin**. Not always, may I say. [Laughter.]

Senator **Quayle**. I presume that there were embassy personnel at this meeting.

Mr. **Graham**. Senator, I believe there were embassy personnel present, but I am not absolutely certain.

Senator **Quayle**. And you have no knowledge of this?

Ambassador **Glitman**. I have not seen any telegram on that subject, which is not to say that it does not exist. But I was looking for it. I would be looking for that sort of thing.

Senator **Quayle**. You would confirm that there has been no communication, informal, with the Soviets on this? Well, this is the first you have heard of this.

Ambassador **Glitman**. That is correct.

Senator **Quayle**. General Herres.

General **Herres**. I do not know of anything.

Dr. **Duncan**. I have no knowledge.

Ambassador **Glitman**. We are waiting to hear what happened with Secretary Shultz.

Senator **Quayle**. I am talking about before.

Now, let me focus on this issue of what is commonly understood. The definition that we have before us now is that the Geneva Convention on the Law of Treaties provides that a treaty shall be interpreted in good faith in accordance with the common understanding that a weapon is any mechanism or device which, if directed against a target, is designed to damage or destroy it.

That is the definition. That is the one you say that is commonly understood. Now in response, Ambassador Glitman, to a question by Senator Helms in the Foreign Relations Committee, March 30, you said, I would just read: "If the missile were designed to achieve that purpose, it would be effectively a kinetic energy type weapon. We were talking about kinetic energy type weapons, not unlike a bullet, and if its purpose and its design, its intent was to strike and indeed showed that it could strike and destroy a radar by impact, it would be a weapon."

That is a little bit different definition than what you present to us today.

Ambassador GLITMAN. It is an example dealing with a specific case. I could have said damage as well as destroy that radar. Again, you know, we can try to parse this simple word but we are going to come out the same way. You did, Senator, when you gave your first off-the-cuff view of what a weapon was. Anyone around this room would.

The alternative would have been to attach Webster's Unabridged Dictionary and the four volumes of the Great Soviet Encyclopedia to the treaty, in which case we would now still be working, as the people do in France, arguing over the definitions of every word in there.

So we have to agree, and that is what this is all about, on which words you specifically have difficulty with, or phrases, and those are the ones you define in the treaty. We did that with the Soviets. We said let us just deal in the definitions with those words that we have trouble with. Anything that you do not define you have to turn to a common understanding. The alternative is the one I gave you, which is obviously an absurdity.

Senator QUAYLE. Did you ever bring up with the Soviets and does the negotiating record show that a weapon is designed to damage or destroy? Was that ever discussed?

Ambassador GLITMAN. We never discussed the word "delivery." We never discussed the word "vehicle." There are literally tens of thousands of words we never discussed, and among the words we never discussed was "weapon." We never discussed a weapon. We did not have to, in our view. It is a commonly-understood word.

Senator QUAYLE. So it is commonly understood that it is designed to damage or to destroy? That is the common understanding. Okay.

Now let us clarify the commonly-understood idea that it referred to future systems as well as existing systems. Now in the testimony today that we have heard thus far that you or your negotiators discussed this issue, nor were there any cables, memorandums, anything written down dealing with futuristics.

General Herres has also confirmed today that the Joint Chiefs of Staff looked at chemicals, looked at the SPINNER/TACIT RAINBOW conventional warheads, as well as nuclear warheads but did not look specifically at futures—microwave and things of that sort—and there was no discussion of futures as such at the time that this decision was made.

General HERRES. That is right.

Senator QUAYLE. Now, given that, that there was not any——

General HERRES. Can I simply add to that, nor did we at the same time discuss or consider excluding any particular kind of weapon or damage mechanism.

Senator QUAYLE. The terminologies of futures or exotics is not something that is unfamiliar with treaties. I mean, we talked about it in ABM. We have talked about it before. We did not talk about it in this particular treaty. The word is not mentioned. We cannot find anything in the negotiating record or any records going back saying that yes, futures are specifically included.

But there is this common understanding. I gather from Ambassador Glitman's testimony that futures were included; is that correct?

Ambassador GLITMAN. Let me work you through it again, Senator. There is a common understanding as to what the word "weapon" means, and "weapon delivery vehicle". The treaty provides for criteria under which systems will be captured, and you know the four of them. One of those criteria is weapon delivery. All right, that is the definition and that is the criteria.

The treaty eliminates all the existing systems and, in article VI, it says "upon entry into force of this treaty and thereafter neither party shall produce or flight-test any intermediate-range missile or stages" and so on. I will not go through it for you. You know what it says.

So we have a ban which applies to any intermediate-range or shorter-range missile. You cannot have them. You cannot produce them. You cannot flight-test them. We have a definition of what is a missile. We have the criteria, the four criteria. And we have international law that says that if you do not specifically define a word then the commonly-understood meaning of that word will apply.

The commonly-understood meaning of the word "weapon" we have discussed. When you put those together, the treaty, regardless or whether people thought about it or did not think about it—I believe they did do some thinking about it, but even if they did not, the treaty does it, it bans those futuristic systems because they are weapons.

Senator QUAYLE. Who do you believe did the thinking about banning futures?

Ambassador GLITMAN. We have heard this discussion.

Senator QUAYLE. We just heard the discussion that they did not get beyond TACIT RAINBOW and SPINNER. They did not get into the so-called futures category. That is simply not the case. That has come up today. I mean, we just established it on the record once again we did not discuss that at the time the decision was made.

And I do not think you can say that.

General HERRES. But what I can tell you is that we did discuss and agreed that anything one would want to do with a ground-launched ballistic or cruise missile in this range category we would prefer to do with an air-launched or a sea-launched system.

Now "anything" is a pretty all-encompassing term, so I submit that if one had any idea of excluding futures I would think that the context of the discussion then, after a discussion of that nature, would have caught futures or exotics or whatever one chooses to call them.

Senator QUAYLE. But there was never any discussion in JCS on the specifics of the exotics of futures like the microwave emitters or the lasers or, the particle beams, this type of thing, at the time the decision was made. I asked the question. Is there any memorandum, or are you exerting executive privilege? You are not exerting executive privilege because nothing exists on that.

I want Ambassador Glitman to understand that. JCS at that time did not go through and look at the so-called futures. Now again let me ask my question of Ambassador Glitman. Was it commonly understood by our own people that this would ban futuristic systems?

Ambassador GLITMAN. What we understood was that we were banning all of these systems—all.

Senator QUAYLE. "We" is who?

Ambassador GLITMAN. The negotiators and the Government. The treaty does what it does, and it says what it does. It says so. It is clear. I have run you through it.

Senator QUAYLE. You have run me through it a lot.

Ambassador GLITMAN. The point is, it seems to me, we can discuss whether it was or was not brought up. That is one issue. You have been through that. What I am trying to get across now is what is the situation now with this treaty today, and this treaty now does ban them. It bans the futuristic weapons because they are weapons.

Senator QUAYLE. We are attempting today to say that futures are in fact banned. I concede that point. You are attempting to say that. Now what I submit is at the time this decision was made, around September 1, about September 1, that futures were, one, not discussed, that there was not a common understanding by those in our Government that futures were going to be banned, and therefore, as Senator Warner said, this is a new type of issue.

You certainly have the right to make that submission now. But it was not, and I would like to be clear—clarify it if I am wrong—it was not commonly understood by those in charge at that time in our Government that we were banning futuristic systems.

General HERRES. I just have to disagree with that conclusion.

Senator LEVIN. I did not hear that.

General HERRES. I have to disagree with that conclusion.

Senator QUAYLE. In what respect?

General HERRES. The fact that we did not specifically address any specific futuristic systems——

Senator QUAYLE. As far as being banned?

Senator LEVIN. Let him finish.

Senator QUAYLE. I want to make sure the question is clear. I want to make sure the question is clear about specifically the INF Treaty banning futuristics or exotic systems like particle beams, like lasers.

Senator LEVIN. You started to say you disagreed with the conclusion because. Now let us let him finish.

General HERRES. The reason I disagree is that just because we did not discuss any specific futuristic technologies that one might wish to consider for these kinds of weapon delivery platforms does not necessarily mean that we had any intention of excluding any weapon delivery platform from coverage by this treaty that fell into this category.

And I repeat it would seem to me that any reasonable person, thinking about what he is doing at the time in a discussion that involved a statement such as the one I just made a few minutes ago, that anything we would wish to do with these kinds of platforms we would prefer to do with a sea-launched or air-launched platform, I cannot imagine anyone not thinking in broader terms than currently-deployed technologies.

I cannot imagine that, without having to specifically list any specific technologies. I just cannot imagine the Chiefs and their staffs not dissenting if they had any idea that we meant to exclude future technologies, and I have to say that the Chiefs agree with the statement that I just made, because we discussed this after our last hearing.

And they all said we had no idea of excluding any particular kind of weapon or mechanism.

Senator **Quayle**. I am going to take you back to the time the President made his decision. Show me where the discussion was, from your personal testimony, personal recollection, any kind of exchange of data or recommendation or understanding by the Chiefs that in fact the INF Treaty on this particular point would ban such things as particle beams, lasers, exotic future technologies. Please show me that evidence.

General **Herres**. I cannot show you that evidence. I can only show you a logical thought process from what was discussed at the time, and I have attempted every way I know to do that. I am willing to try again, but I can only show you a pattern of logic that stems and runs from the discussions that did take place that would lead one to the simple conclusion that there was never any intent when we agreed to that provision in the treaty, never any intent to exclude any weapon or weapon devices, types of devices, that did not exist with those platforms today—futuristics, if you want to call them that.

Senator **Quayle**. But the specific discussion——

General **Herres**. We did not specifically discuss any futures. I have to repeat that over and over again. But that does not mean that there was any intent to exclude them, and I do not follow that logic.

Ambassador **Glitman**. I might add, more importantly, both of these gentlemen have stated today that they are not dissatisfied at all with the outcome that the treaty provides for, namely that they do not believe that this banning of the futures is not in our interest. They believe it is. It seems to me that is the crucial issue.

Senator **Quayle**. That is an entirely separate issue, something I would be glad to engage you and others on. And I am probably going to get into it in a couple of questions at the very end, whether it is in our national interest.

But what I am trying to pin down is this commonly-understood issue. Let me ask you, General Herres, do you think that it was commonly understood by the Secretary of Defense that futuristics were in fact banned by this treaty?

General **Herres**. I have to reassert what I said before. I do not know; I cannot speak for the Secretary or anybody in OSD in that regard. I can speak for the Chiefs, because we have gone back and readdressed it, and we have confirmed what was on people's minds at the time.

I do know that the discussions that I have referred to from which this pattern of logic and audit trail of logic runs that brings me to this conclusion were conducted in the presence, many of them in the presence, of the Secretary. All the points that I have made were at one time or another discussed. I remember one particularly lengthy session with the Secretary when we did discuss the question of what we should do about this basing mode for nonnuclear weapons systems.

Senator **Quayle**. Was not the time you discussed it with the Secretary, did it not focus on whether it should be a nuclear warhead or a conventional or chemical warhead?

General **Herres**. We focused on the items that I have discussed. I have covered all of the points that we discussed. We focused on the high explosive, the normal high explosive weapons. We focused on chemical and the problems with chemicals. And we discussed at some length the fact that anything we might want to do—I remember specifically saying it myself at the meeting—anything we might want to do with weapons in this category we would prefer to do on sea-launched platforms or with the air-launched platforms.

Senator **Quayle**. And if you wanted to do it you would prefer to do it on air-launched and sea-launched?

General **Herres**. I remember using the word "anything".

Senator **Quayle**. I understand that that was our desire. But again on this commonly-understood you get back to this point that it was somehow commonly understood that futuristics were banned.

General **Herres**. We have not said that.

Senator **Quayle**. You have not said that?

Ambassador **Glitman**. No. What we say is that commonly-understood applies to the word "weapon delivery vehicle", not to whether futures were included.

Senator **Quayle**. Was it commonly understood that futures were banned?

Ambassador **Glitman**. It is commonly understood that a weapon delivery vehicle will be banned, and what a "weapon" means is commonly understood. That is the key. The weapon delivery system is commonly understood.

Senator **Levin**. Was it commonly understood that all weapons were banned?

Ambassador **Glitman**. It flows from that, when you say you are banning all weapons delivery systems, that anything that is a weapon for such a delivery system is banned. So it follows from that, that that is the result.

Senator **Quayle**. Let me just finish this one thing and then let me yield. Okay, you are saying logically that is what you would deduct. But you well know that the Secretary of Defense disagrees with that. The Director of ACDA at that particular time says that he thinks we ought to ban these things has a different approach than the Secretary of Defense, but says futures were not discussed nor were they banned by this.

General **Herres**. And I would expect that kind of an answer from the Director of ACDA because we were the people upon whom ACDA and others would depend to judge the military ramifications of the comprehensiveness of this. So I would not expect him to have been involved in any detailed discussions of this particular aspect.

Senator **Quayle**. He certainly understands what the treaty does and does not do.

General **Herres**. Yes, sir, but I think once he understood what the JCS position was——

Senator **Quayle**. Did you discuss futures with him? Did you discuss futures at the National Security meetings?

General **Herres**. No, we did not.

Senator **Levin**. Did you discuss all weapons at the meetings? Did you discuss weapons?

General **Herres**. The meetings that took place from which this position evolved were a number of meetings at a number of levels with a number of attendees in the Interagency, at the working level, and then at the Assistant Secretary level and at the National Security Council level.

Senator **Levin**. Is there any doubt in your mind that we understood the word "weapons" to include all weapons other than the ones that were specifically excluded in the treaty?

General **Herres**. There is no doubt in my mind that a weapon that fits into these categories, the weapon delivery platform—and I think everybody understands; I do not think there was any big problem with what "weapon" meant at all—a weapon delivery platform, operating on these platforms, that is using cruise or ballistic—it is a missile—would be covered by the treaty.

I do not think there is any question about it—whether it was deployed now or not.

Senator **Levin**. That is what I want to get to, because that raises another kind of question. Was it ever explicitly agreed upon with the Soviets that weapons not yet deployed, futuristic or not futuristic, would be covered? Was it ever explicitly expressly agreed upon?

General **Herres**. That they would not be covered? Not that I know of.

Senator **Levin**. So then I presume the argument could be made that since there is no express agreement that even nonfuturistic weapons that have not been deployed would be covered by the word "weapon" that they are not covered either. I mean, where do you end?

It is like telling somebody—it seems to me your argument is like telling somebody I am going to sell you all the shoes in my store, and then you exclude the yellow shoes when the delivery time comes, and you tell the buyer, hey, wait a minute, you did not say the yellow shoes. You just said every shoe. And the buyer says, yeah, I said every shoe, but you did not say yellow.

Now what they are telling us is, and the JCS and the negotiators and the Defense Department, that every weapon——

Senator **Quayle**. Every weapon.

Senator **Levin**. Every weapon that can be delivered by that system within those parameters is covered. They did not specify chemicals. They did not specify futures. They did not specify biological. They did not specify nondeployed but available. They did not specify a whole host of things that are weapons. That is what they are saying.

Now one could come along and argue you did say nondeployed weapons, and what is the name of that system we were talking about that is not yet deployed—SEEK SPINNER or TACIT RAINBOW that is not deployed—okay, it is not covered. We were only talking about weapons which have been deployed. We did not say weapons which were nondeployed. You can go on forever, it seems to me, that way.

So I just think the argument here that somehow or another you are now imposing the ABM structure, I would think you would want to stay a million miles away from ABM. But you are now imposing the ABM language on us, it seems to me, where we all got into futuristics for a reason, because in the context of that treaty there was an ambiguity, some thought, about that question.

But here we have got a word, "weapon", or "weapon delivery vehicle". You are saying wait a minute, what about future weapons? Well, what about nondeployed weapons? What about biological weapons? What about chemical weapons? They were not talked about expressly.

Senator **Quayle**. Would not common sense think that you might have discussed this when you were negotiating that this would apply to present and future?

Senator **Levin**. How about deployed and nondeployed? Would not common sense say that you would expressly talk about not yet deployed weapons?

Senator **Quayle**. What they talked about here at the time of the decision was technology that they knew about. They talked about SEEK SPINNER. They talked about TACIT RAINBOW. They talked about chemical. They talked about conventional. They talked about nuclear.

Senator **Levin**. But some of those were not deployed.

Senator **Quayle**. It does not matter. But they knew about the technology. TACIT RAINBOW——

Senator **Levin**. They knew about this technology, too. They knew about these three technologies that are in futures. They know about them.

Senator **Quayle**. They did not discuss them, because it is a different category.

Senator **Levin**. There is no doubt in their minds, they are telling you, that it is a weapon. They are telling you. Your experts here, your military experts, your negotiators, everyone is telling you there is not the slightest bit of doubt in anybody's mind that those are weapons.

Senator **Quayle**. Is a jammer a weapon?

General **Herres**. No, sir.

Senator **Quayle**. A jammer is not a weapon. They say it is not.

General **Herres**. It is not, not unless its power level is designed to do damage. [Deleted.]

Senator **Quayle**. Are blinders a weapon?

General **Herres**. If it is intended to do damage.

Senator **Quayle**. How do you prove whether it is intended to do damage if you are going to blind temporarily?

General **Herres**. You will have to give me a little definition of what you mean by "blinder". A radar blinds somebody's eyeballs? Permanent? Temporary?

Senator **Quayle**. Temporary.

General **Herres**. No.

Senator **Quayle**. Temporary blinding is okay but permanent blinding would not be? Partial blinding would not be a weapon?

General HERRES. The line I would draw is if damage is done, if you inflict some kind of interference with the object and do enough damage that it cannot perform its mission, if you inflict enough damage to prevent something from carrying out its mission.

Senator QUAYLE. That is a jammer.

General HERRES. But a jammer does not do damage.

Senator QUAYLE. You jam a system and you do enough damage to it so it is not operative.

General HERRES. It does not do damage. It just interferes.

Senator QUAYLE. You do not do damage on the jammer?

General HERRES. No.

Senator QUAYLE. Temporarily you do.

Ambassador GLITMAN. You do not damage the emitter. You interfere with the emissions.

Senator QUAYLE. General, you do not do damage with a jammer?

General HERRES. No, you do not.

Senator QUAYLE. Temporary blinding is jamming?

General HERRES. I guess I would have to know more about what you mean by blinding. We are getting into a little semantic exercise.

Senator QUAYLE. What do you mean by "blinding"? You are the expert.

General HERRES. I did not bring blinding up.

Senator LEVIN. I think you have just been certified as an expert. We will need that for their record.

General HERRES. It does damage, lasting damage. If you blind something enough to do lasting damage.

Senator QUAYLE. What about the FST—the follow-on tank thing, which is not a cruise missile, but we might want to put its laser blinder on our cruise missiles on the technology. It is open literature. They talk about laser blinding. I am sure you are aware of that. NATO is concerned about it. Is blinding, is that a weapon?

General HERRES. I would say that blinding does not do damage unless the damage is extended in time. In other words, if it lasts after the blinding. Now you can repair damage, of course, but if you damage something and the effects of the damage continue after the phenomena that created that terminates, then I would call that damage.

Senator QUAYLE. But isn't a weapon something used to fight? Is that not a common understanding, that what a weapon is is something used to fight?

General HERRES. Well, you fight with weapons and you do damage or destroy things.

Senator LEVIN. But, Dan, your point is not that. Your point is that futuristic weapons are not included. You assumed in your question that those are weapons.

Senator QUAYLE. I thought they were.

Senator LEVIN. Now you are saying what is a weapon. But you assumed the word weapon when you said are futuristic weapons. And now you are arguing what is a weapon.

Senator QUAYLE. You said we all know what weapons are. It is everything. I am just asking.

Senator LEVIN. Not everything. What I have said is the futuristic.

Senator QUAYLE. Excuse me. You said every thing.

Senator LEVIN. I said every weapon. But what you are saying now is, well, wait a minute, what is a weapon. That is a different issue. What is a weapon, by the way, for a moment? Because you assumed in your question that a futuristic weapon is a weapon because you said were futuristic weapons included. Their answer is yes, all weapons are included.

Senator QUAYLE. All weapons, but a jammer is not a weapon.

Senator LEVIN. Now that is a slightly different issue. Now the question is, well, wait a minute, what is a weapon. You want to argue whether or not a beam——

Senator QUAYLE. Particle beam.

Senator LEVIN. You want to argue whether that is a weapon?

Senator QUAYLE. Is that a weapon?

General HERRES. If it inflicts lasting damage, it is.

Senator LEVIN. Are you arguing that a particle beam is not a weapon?

Senator QUAYLE. I would try to put it in the context—the way I would define it is the way the State Department originally defined it—that it had to be a warhead.

Senator LEVIN. You are shifting ground a little bit on them, I think, because you said futuristic weapons, are they included, and their answer is clear. Yep. And I think you have to agree, on rethinking, that that is a different question from whether or not something is a weapon.

Senator QUAYLE. Let us focus on one thing at a time.

Senator LEVIN. That is what I want you to focus on because when you ask the question are future weapons included——

Senator QUAYLE. Futuristics, exotic technology.

Senator LEVIN. Weapons?

Senator QUAYLE. Warheads.

Senator LEVIN. A weapon?

Senator QUAYLE. Is it a weapon?

Senator LEVIN. I am asking you. Does your question assume that the future technology item was a weapon? Is that assumed in your question? That is my question.

Senator QUAYLE. If it would be on a cruise missile, ground-based.

Senator LEVIN. My question to you is, do you assume in your question to them that you are asking them about futuristic weapons?

Senator QUAYLE. Futuristic and exotic systems.

Senator LEVIN. Weapons? See, then you are asking two different questions. One, what is a weapon? Two is, if we assume that that technology in the future is a weapon, is it included.

Senator QUAYLE. We do not have a definition of "weapon".

General HERRES. Yes, sir. We have got a good definition of weapon.

Senator LEVIN. It is two different questions, Dan, and I think I would split the question, in fairness. I think the first question is, assuming that a future technology produces a weapon, is it included? Their answer clearly is yes, all weapons are included except those that are not expressly excluded by the treaty.

The second question is, what is a weapon. That is a fair question, but that is a different question. I think you ought to split those.

Senator QUAYLE. But they are saying all futuristics.

Senator LEVIN. They are saying weapons that are based on future technology are included. Do you disagree with that?

Senator QUAYLE. They are saying that all futuristics that are weapons are included.

General HERRES. We are saying that all weapons delivery platforms, whether they are based on currently-deployed technology or future technologies, that meet the other criteria of the treaty are banned.

Senator LEVIN. General, we are talking in shorthand. That is what we mean, what you said, and I am trying to find out from Senator Quayle would he agree that weapons that will be based on future technologies that are delivered by those kinds of platforms, within those parameters, are included in the treaty. Would you agree with that one?

Senator QUAYLE. Say that again.

Senator LEVIN. Would you agree that weapons which are based on future technologies which come into existence later based on future technologies, which are delivered by a delivery platform as defined in that treaty, within the range defined, are covered by the treaty?

Senator QUAYLE. I think no. I think it is impossible to ban something that you do not know what it is. That is my objection to this whole thing of banning futures. You do not know what it is.

Senator LEVIN. The question is not what is a weapon.

Senator QUAYLE. But a weapon, they say——

Senator LEVIN. I have asked you something. Which is a weapon, what you would concede is a weapon? Would you say that is banned by the treaty? And your answer is no, because it is based on a future technology.

Senator QUAYLE. I do not know whether it is a weapon or not as you define it. And then we are going through this thing right now and they say jammers are okay, but blinding is not, but partial blinding is okay.

Senator LEVIN. Now let me ask you this question. If you concluded it were a weapon, would you agree it is banned if it is based on future technology?

Senator QUAYLE. I do not think that the treaty is clear enough to give a definition of weapon. If they really wanted to get a clear definition of weapon, despite the fact that it is commonly understood, then I would say we could, but we do not have that definition in the treaty because it just says a weapon. And now we are going to define what a weapon is and define that it applies to a technology we do not know anything about.

Senator LEVIN. I do think there is a dual issue here because I think even if you concluded it were a weapon that you would still say it is not included in the treaty because it is based on future technology.

Senator QUAYLE. Not just a weapon based on future technology, because you can come up with future weapons technology that in fact was a different type than an explosive munition. I think when you talk about a weapon I think of a warhead. I think of a warhead, something that in fact causes direct destruction, and that was the original State Department view, that it was a warhead.

That is what I think. If you put a warhead on a cruise missile or ballistic missile, Senator Levin, yes, that would be a weapon. That would be a weapon and that would be banned.

But what you are doing is you are jumping way beyond that definition of warhead and you are getting into exotic technology and you are saying a laser is a warhead, microwaving is a warhead.

Senator LEVIN. Is a weapon.

Senator QUAYLE. See, my definition of a weapon would be——

Senator LEVIN. I am not saying a laser is a warhead. I am saying a laser is a weapon.

Senator QUAYLE. That is where the definition of a weapon is something that has a warhead that goes out.

Senator LEVIN. Do you have something to add?

Ambassador GLITMAN. I would just like to ask Senator Quayle, let us assume, since we always get into futures, I can dream up a pretty horrible weapon—I would call it a weapon but you would not—a cruise missile that dispenses bacteriological or chemical gas.

Senator QUAYLE. That would be covered.

Ambassador GLITMAN. Why? It is not a warhead. It just dispenses it like an aerosol bomb.

Senator QUAYLE. It is a chemical warhead.

Ambassador GLITMAN. No, it just dispenses it. It does not blow up. It just sprays it as it flies over. If you are just going to restrict the meaning of "weapon" to warhead that exploded, then you would permit that kind of chemical weapon.

Senator QUAYLE. I would certainly consider that to be a chemical warhead, and I think that is a far, far better definition of what a weapon is, to try to define that warhead rather than jumping in and you are saying that well, a weapon is a weapon, and anything that does direct damage or destroys is a weapon, but jammers are not weapons. Partial blinding is not a weapon. But if it is permanent blinding, that is a weapon.

General HERRES. That is right.

Senator QUAYLE. We are getting down into these——

General HERRES. I do not understand why those are problems. I think it is a perfectly clear definition of weapon and it is not unlike the one I found in the dictionary I have at my desk.

Senator QUAYLE. How do you go about verifying it?

General HERRES. That is a whole separate issue. It depends on what it is.

Senator QUAYLE. How do you get to define whether it is partial blinding or permanent blinding or whether it is a jammer and it is blinding? How do you really get into any kind of verification on that? That is how we got into this issue in the first place, because we were just going to take nuclear warheads and we got into conventional warheads because of the verification issue.

General HERRES. Yes, sir. But what we are dealing with there is a weapon that has been fielded, has known devastating effects, that is a practical way to apply this type of weapon delivery platform. Every example you use has yet to be proved as a practical application for these particular types of delivery platforms.

So we are talking in hypothetics almost in the extreme.

Senator QUAYLE. I do not know about the extreme.

Senator LEVIN. I would like to change the subject before our chairman finally brings back some order to this meeting. You came just in time.

Chairman NUNN [presiding]. The exact question I left on is the one you just asked again.

Senator LEVIN. I have one question, if I could. There seem to be a lot of memcons that our staff have come up with which show that we acknowledged over and over again in September 1987 that new types would be covered—future types would be covered. I do not know that you referred to them in your statement.

Let me give you just one example, which is September 16, 1987, the Verification Working Group. Do you have any of these documents with you?

Ambassador GLITMAN. I do not know, but by all means go ahead.

Senator LEVIN. Let me just read this. [Deleted.]

And Simmons——

Ambassador GLITMAN. He is even here.

Senator LEVIN. That may be good or bad. We should have checked in advance. A good lawyer never asks a question he does not know the answer to. Simmons responded that, as made clear in paragraph 4 of article VII, all missiles in that range band will be considered to be nuclear-armed and all new types would be banned.

But then it says, but that was language to be dealt with in the R&L working group. Now what is that?

Ambassador GLITMAN. That is his group. Mr. Reddy headed up that one.

Senator LEVIN. Now is that not evidence—I will give you a leading question—that future types were intended to be included? If it is evidence of that, why is that not in your statement—those kinds of memcons. There seem to be a whole wad of them they have got.

Ambassador GLITMAN. It is certainly useful evidence. We did not attempt to burden the committee or the world with every one of these statements. We tried to select examples. I am glad you found this. I suspect there are more in the record. There was no time that I am aware of that anyone said well, we are leaving an exception for something, with the two exceptions that we sought and achieved. Everything else will be in these terms.

You know, it is the Soviets who were essentially pushing this line.

Senator LEVIN. Did they not over and over again press on are new types included or not, and did we not over and over again say yes. Or am I reading too much into these memcons?

Ambassador GLITMAN. We did. After the decision was made——

Senator LEVIN. To include conventional?

Ambassador GLITMAN. As I put it at the time we put it down, everything will now be treated as if it were nuclear. We did say all are included.

Senator LEVIN. Mr. Chairman, I think we ought to make part of the record any documents which the staffs might want to offer here, because there are a lot of memcons in here. I do not know that we have time to go through them.

Chairman NUNN. Did all those come from the negotiating record?

Mr. BELL. Yes.

Chairman NUNN. Well, if staff would like to identify them, we could put them in the record at this point. Would you identify them? How many of them are there?

Senator LEVIN. On that point.

Mr. BELL. Mr. Chairman, there are several citations that are examples of cases where the United States and the Soviet Union discussed whether new types or future types, generically, were covered by the new U.S. position. That is not to say that the two sides went beyond that to discuss whether new types meant futuristic technologies or lasers in particular. But these are just examples of general cases where the United States said that new types would be banned.

This was in response to what I thought was an earlier response from the witnesses that the two sides had not established whether anything more than existing types were covered.

[Information submitted for the hearing record is retained in the committees executive files due to security classification.]

Senator QUAYLE. Bob, does the new types refer to the delivery vehicle, the cruise missile itself or the ballistic missile and not necessarily the warhead?

Mr. BELL. It refers to all new types of armed missiles.

Senator QUAYLE. So it includes the warhead?

Mr. BELL. It does not get into a distinction on warheads.

Senator QUAYLE. See, on new types, we asked for a definition on that. There is not a definition of new type. I am just curious if they were talking about the cruise missile itself or the warhead. You say that refers to both. Is it both?

Mr. BELL. Senator Quayle, I am just making a narrow point because I thought I understood, or rather the impression that was left from the colloquy that Senator Levin had with the witnesses was, that the negotiators had never established even whether future types of then-existing conventional explosive GLCMs would be covered or whether the treaty was limited to existing types, which I thought was mistaken.

Senator QUAYLE. I think they covered future types of conventional cruise missiles that have explosive types of warhead.

Senator LEVIN. It does not say that.

Ambassador GLITMAN. [Deleted.]

So here we were saying where we have to get an exclusion; we had better get the exclusion in the treaty because otherwise in the future it is going to be included.

General HERRES. And I can reinforce that logic, as I have said, again, that if the Chiefs had wanted an exclusion we would have addressed that. That is a common sense conclusion. If we had had any idea that there was some category of weapons that could be delivered by a missile, weapon delivery platform, in this range category that needed to be excluded, that would have been addressed.

Senator QUAYLE. Did you address the exclusion of jammers?

General HERRES. No, we did not. Now, wait a minute. We did discuss them. Jammers were mentioned and they are not weapons.

Senator QUAYLE. At the time of the Presidential decision?

General HERRES. Yes. Jammers had been discussed.

Senator QUAYLE. You excluded jammers at the time?

General HERRES. I remember discussing it. I do not remember where or when, but I remember talking about jammers, that they would not be covered.

Senator QUAYLE. Wait a second. Was this at the time of the President's decision?

General HERRES. The Colonel is just telling me we did in fact have a memo from the Army that asked us to clarify whether or not Unmanned Aerial Vehicles that were not weapons carriers would be included.

Senator QUAYLE. When was that?

General HERRES. During this period.

Senator QUAYLE. Was that brought up in the negotiations that jammers were an exception? Do the Soviets know jammers are an exception to the weapon?

Ambassador GLITMAN. The Soviets themselves said that if a system was not tested as a weapon delivery system it was not covered by the treaty. [Deleted.]

Senator QUAYLE. So they know that that is not a weapon? Is there anything in the negotiating record on that?

Ambassador GLITMAN. We did not discuss jammers, and we did not have to discuss what a weapon is. By not defining we agreed the commonly-understood meaning of the word "weapon" would apply. As I said, we certainly agreed that all future as well as existing systems will be banned—weapon delivery systems covered by the INF Treaty.

Senator QUAYLE. Have you looked at the verification aspects on the power levels that would be necessary, that would delineate between a target designator, a jammer, various kinds of blinders? Have we done work in the verification area?

General HERRES. No, sir, not that I know of.

Senator QUAYLE. We have not?

General HERRES. No, sir. I do not know what work one would do or what the objective of any work would be. Clearly if you crank up the power on a target designator it can become a damage-inflicting device, in which case it becomes a weapon instead of a designator.

The same thing with a jammer. If you have the capability to put a big enough power supply and crank up the power to a level that will inflict damage, then it becomes a weapon. One does not normally consider that a very likely possibility for these kinds of delivery platforms because the power supplies required to do that are very large, and it is a very impractical way to inflict damage—and an expensive way to inflict the modest kinds of damage that many of these kinds of damage mechanisms could inflict.

Senator QUAYLE. Current technology is very heavy, but if you look 20 or 25 years from now it might be different.

General HERRES. It may or may not. You know, a lot of people have a lot of good ideas that sound great, and then 20 years later they have not materialized. It is hard to speculate.

Chairman NUNN. Where are we now with the questions? Senator Quayle, have you finished? Senator Levin, have you finished?

Senator LEVIN. I just have one more question.

Ambassador Glitman, do you know of any understanding of any kind that the treaty excluded futuristic weapons from coverage?

Ambassador GLITMAN. I do not, Senator.

Chairman **Nunn**. I would like to ask a couple of questions, but I am not sure if they have been covered. Senator Levin, let me know because I do not want to repeat.

Before I left, Ambassador Woodworth, you mentioned in response to the Weinberger letter, as I understood what you were saying, that you did not think his letter necessarily conflicted with this testimony. Could you explain your response to me.

Senator **Levin**. That was actually the thrust of my last question, seriously, with Ambassador Glitman. The letter from the Secretary says he knows of no understanding of any kind that the treaty covered anything related to futuristic weapons, and the Ambassador says he does not know of any understanding to the contrary. They are both consistent statements.

Mr. **Woodworth**. Senator, let me address that, because I want to be sure not to artificially create some controversy with testimony here and Secretary Weinberger's letter.

Chairman **Nunn**. I do not think it would be artificial.

Mr. **Woodworth**. As we have made clear here today, at the time of that decision, which is what he was addressing, we had not explicitly discussed futures, and I think that is what he is reflecting. He goes on to express his opinion about that. That is a different issue.

Senator **Quayle**. But at the time the Presidential decision was made, the time the decision was made, he did not believe that this covered futuristics. He thought that what they discussed was the conventional-nuclear-chemical.

Senator **Levin**. He did not say that. He did not say he did not believe it covered. He said there was no understanding that he knew of that the treaty covered futuristic weapons.

Mr. **Woodworth**. And in that sense, as we have stated here, it was not explicitly discussed.

Senator **Levin**. It covered all weapons. There was not any subcategory for futures.

Chairman **Nunn**. I see that as being the total opposite of what is being said here. If I understand your response, you're saying the opposite of what General Herres is saying. And everybody else is saying the opposite, that they were clearly covered because they were not excluded.

He is saying here they were basically not included because they were not clearly covered. So the two things are opposite, as I view it.

Senator **Levin**. There was no explicit understanding on futuristic weapons.

Senator **Quayle**. He says down here: "My clear understanding was that everyone on our side was only talking about existing types of INF, cruise or ballistic missiles, or types similar to them, carrying a conventional type, i.e., high explosive or chemical, munition." That is his clear understanding.

Chairman **Nunn**. He also says in that first paragraph: "I can simply state there was no understanding of any kind that I knew about that the treaty covered anything related to these so-called futuristic weapons." He can be right that he did not know about it, but he goes on to say: "Had there been any such suggestions I would have opposed it in the strongest possible terms."

It seems to me the Secretary of Defense is saying that he did not know about it, and therefore he does not believe it happened and if it had happened he would have opposed it.

I am not saying either he is lying or you are lying. I am not saying that at all. I am saying that your understanding and his understanding are totally opposite. It is not the same thing as saying one or the other is telling the truth. What I am saying is one or the other is flat wrong. There is no way around it.

Ambassador GLITMAN. Senator, I would agree with you it is not a question of who is telling the truth. It seems to me it is a question of what does the treaty do and what does it not do. And in my view and in the administration's view it bans those systems.

Chairman NUNN. And Secretary Weinberger believes it does not. That is what I was getting to, Mr. Ambassador. It seems to me that the understanding of Secretary Weinberger and the testimony today are in direct conflict. Now that is the question to you.

Mr. WOODWORTH. We have looked at this issue in OSD, as we have in the entire administration, and we have reached a conclusion about what we think the logic of the record and the treaty means. It is difficult to reach any other conclusion.

I do not know if I can add too much to that, but we have looked at it explicitly, including the present Secretary of Defense.

Chairman NUNN. Well, it is not only up to him to judge. It is also up to us to judge.

Mr. WOODWORTH. I am saying what the result of our examination of this was.

Chairman NUNN. But would you not agree that your understanding, as you have testified today, and Secretary Weinberger's understanding in this letter are opposite or virtually opposite, they are dramatically opposed?

Mr. WOODWORTH. It appears he does not agree with the position we have taken.

General HERRES. I would just have to say, Senator, having read that letter a couple or three times, with all due respect, Mr. Weinberger has to be mistaken. You know, if weapons based on future technologies had been meant for exclusion, as he implies he thought they were—and that is the way I read this letter—there would have to be some record or some documentation which defines the scope of that exclusion.

I do not know of one shred of documentation anywhere. I have never heard any discussion in all of these deliberations that at any time ever suggested that there was any intent of defining the scope of some exclusion that would facilitate the use of future technologies for weapons using these platforms.

Chairman NUNN. Mr. Ambassador, do you agree with that?

Ambassador GLITMAN. I certainly do. And I would go on to note that [deleted].

Chairman NUNN. Let me ask one other question about Secretary Weinberger's letter. He says in the last paragraph: "I would have opposed it in the strongest possible terms," comma—and this is what I want to ask about—"because it would have had an obvious adverse effect on SDI for us to agree to any limitation on any systems not yet designed, or futuristic systems and would have enabled the Soviets to argue that they had finally succeeded in making our SDI efforts ineffective."

What does he mean by that? General Herres.

General HERRES. I have got a great big question mark, and I have that underlined. I have no idea what he could possibly mean there, because I do not know what question he was asked or what question he was trying to answer with this letter—so it may be that he was thinking in terms broader than weapons that are in the INF range bracket that are weapon delivery vehicles, that are missiles, unmanned, ground-launched, and are ballistic or cruise. He may have been thinking of something beyond that. But that is the only thing I can think of.

Chairman NUNN. He has got to be thinking of a different treaty, does he not?

General HERRES. Something beyond INF. If you are bringing SDI into it, it has to be broader than what we are talking about.

Chairman NUNN. Do you know of anything in the INF Treaty that has an obvious adverse effect on SDI?

General HERRES. No, sir, I do not.

Chairman NUNN. Do you know of anything in the INF Treaty that would enable the Soviets to argue that they have finally succeeded in making our SDI efforts ineffective?

General HERRES. No, sir, and I think if we had we would have heard about it already.

Chairman NUNN. Mr. Ambassador, I would like to ask you the same two questions? Do you know of anything in the INF Treaty that would have, if it is ratified, an obvious adverse effect on SDI?

Ambassador GLITMAN. I do not, Senator.

Chairman NUNN. And the second question, do you know of anything in the INF Treaty that would enable the Soviets to argue that they had finally succeeded in making our SDI efforts ineffective?

Ambassador GLITMAN. I do not. [Deleted.]

Chairman NUNN. I had not heard anybody say it until this letter.

Mr. Woodworth, do you know of anything in the INF Treaty, as interpreted today—and you understand my questions being in that light; and you would reaffirm your answers?

General HERRES. Under any interpretation.

Chairman NUNN. Do you know of anything that would justify Secretary Weinberger's conclusion in that paragraph?

Mr. WOODWORTH. It is not a conclusion I would reach.

Chairman NUNN. That sounds like it is a close question. Is it a close question to you?

Mr. WOODWORTH. Not to me, no. If that connection is there, I do not see it.

Chairman NUNN. Let me go further. Do you think that is a rational point he is making, or do you think that it is irrational?

Mr. WOODWORTH. You are putting me on the spot.

Chairman NUNN. But you are dancing so carefully. That is the reason I am putting you on the spot.

Mr. WOODWORTH. I do not mean to be dancing. I do not agree. I do not see that connection myself. I think this treaty is quite insulated from the SDI issue.

Chairman NUNN. As we have heard it interpreted today, do you know of any rationale by which the former Secretary of Defense could have concluded that the INF Treaty could have an adverse effect on SDI?

Mr. WOODWORTH. I do not know of any. I might say I saw this letter just before we came into this meeting, and read that for the first time, so I have not discussed that with anybody.

Chairman NUNN. Dr. Duncan, I ask you the same two questions.

Dr. DUNCAN. I say no, sir; no, sir.

Mr. WOODWORTH. I should have said that, too. [Laughter.]

Senator LEVIN. There is still time.

Chairman NUNN. There are times when yeses and noes are advantageous.

So your answer, Dr. Duncan, as we have heard it interpreted today, you know of nothing in the INF Treaty that would have an adverse effect on SDI?

Dr. DUNCAN. No, sir. I know of nothing in the INF Treaty that would have an adverse effect on SDI.

Chairman NUNN. And you know nothing that would enable the Soviets to argue that they had finally succeeded in making our SDI effort ineffective?

Dr. DUNCAN. No, sir. I know of nothing that would enable the Soviets to argue that they had finally succeeded in making SDI ineffective.

Mr. WOODWORTH. Senator, could I add one point on this? I hesitate to do this because it somewhat violates the point about getting into executive branch deliberations and I do not even wish to pretend to speak for Mr. Weinberger. However, as you know, and that is no secret, this was a controversial issue within the administration, the decision that was taken.

And this issue was closely examined and debated.

Senator LEVIN. What is "this issue"?

Mr. WOODWORTH. [Deleted.]

Chairman NUNN. The conclusion of the former Secretary of Defense injects something in here, without saying it directly, which seems to me, as you said, Mr. Ambassador, is extremely adverse because there is no rationale behind it. I am afraid somebody is going to start arguing that point, and I do not know what they would base it on.

Senator LEVIN. I was for the INF Treaty before, but now I am really for it. [Laughter.]

Senator QUAYLE. [Deleted.]

General HERRES. [Deleted.]

Senator QUAYLE. Okay. [Deleted.]

General HERRES. [Deleted.]

Senator QUAYLE. [Deleted.]

Mr. WOODWORTH. [Deleted.]

Senator QUAYLE. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Senator QUAYLE. [Deleted.]

General HERRES. [Deleted.]

Senator QUAYLE. [Deleted.]

General HERRES. [Deleted.]

Senator QUAYLE. [Deleted.]

Chairman NUNN. [Deleted.]

Senator QUAYLE. [Deleted.]

Chairman NUNN. [Deleted.]

Senator QUAYLE. [Deleted.]

Ambassador GLITMAN. [Deleted.]

Senator QUAYLE. [Deleted.]

Ambassador GLITMAN. [Deleted.]

General HERRES. [Deleted.]

Mr. WOODWORTH. [Deleted.]

Chairman NUNN. Is this Weinberger letter public yet?

Senator QUAYLE. I think so.

Chairman NUNN. We are going to need this portion of today's testimony declassified as soon as possible in order to answer questions, as well as to be able to quote you all on your comments to the last paragraph of Weinberger's letter.

General HERRES. My answer was unclassified.

Chairman NUNN. How about others? Do you see any reason to classify any of your answers to questions about the Weinberger letter?

Ambassador GLITMAN. [Deleted.] You can certainly declassify my view that I do not agree with it.

Chairman NUNN. Why don't we give you this portion of the transcript as soon as possible and let you review your answers for declassification. We will be asked for comments on and answers to this question as soon as it it made public. I think we ought to be able to say that we had four witnesses here and they all disagreed with this final paragraph.

That is certainly not classified, is it?

Ambassador GLITMAN. No.

General HERRES. I have got what I answered written down.

Ambassador GLITMAN. It is already public, Senator. Today's Washington Times, on the front page, highlights this letter.

Senator QUAYLE. The letter is public.

Chairman NUNN. When will we have this transcript?

Mr. Ambassador, I would like to be able to give you all this part of the transcript tomorrow and have it declassified as soon as possible.

Mr. PUNARO. You are talking about 10 pages and it is all going to be unclassified anyway, probably. We want to make sure on some of these other comments you had.

Ambassador GLITMAN. You might be amused by the lead to the article: "Weinberger: State All Wet on INF Pact."

Chairman NUNN. It is not a direct quote.

Who should we get to declassify? General, can you get somebody from Defense, and Mr. Ambassador, from State, so we can work this quickly tomorrow?

Any other questions? Senator Quayle. Senator Levin.

Thank you, Mr. Ambassador.

Ambassador GLITMAN. I hate to bring this up, because it is late, but I do know that the committee had some very strong comments to make about article VI, paragraph 2, in its report. I would like to call your attention to the letter which was sent by Ambassador Kampelman to Senator Pell today which deals, among other issues, with that one. I would welcome an opportunity privately, since I do not want to hold you all up, to discuss that subject with any member of this committee in an effort to try to help assuage the committee's concerns that were expressed in the committee's report with regard to that article.

[The letter referred to follows:]

Department of State,
Washington, DC, April 14, 1988.

[Unclassified with secret attachment.]

Hon. Claiborne Pell,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

Dear Senator Pell: At the March 30 meeting of the Foreign Relations Committee, Senator Helms asked the Administration to provide a written response to the five areas of concern to the Armed Services Committee, which Senator Nunn and Senator Warner had identified during their presentation to your Committee on March 28. I am pleased to provide that response.

ARTICLE XIV

The first issue relates to the effect of Article XIV on U.S.-NATO defense cooperation. Article XIV is not a noncircumvention provision. Article XIV will not affect existing patterns of defense cooperation or collaboration with our Allies. Nor will this provision preclude cooperation with our Allies in modernization. The Treaty prohibits us from producing or transferring any missile, missile stage or launcher for a Treaty-limited GLCM or GLBM. The Treaty does not prohibit the production or transfer of lesser components, technology, or blueprints, and the United States rejected Soviet proposals for such prohibitions. In any event, each such issue would have to be dealt with on a case-by-case basis, taking into account the obligation to comply in good faith with the Treaty.

I would also note that the report of the Armed Services Committee highlighted Ambassador Glitman's detailed explanation of the negotiating history on this issue. That report stated, inter alia, that the Ambassador's testimony "demonstrated that the Soviets had sought to insert language into the Treaty which they hoped would restrict U.S.-NATO cooperation, but the U.S. specifically resisted this effort, and the U.S. view was agreed by the Parties."

CONVENTIONALLY-ARMED GLCM'S

The second issue mentioned by Senators Nunn and Warner was the question of whether the Treaty should ban conventionally-armed ground-launched cruise missiles (GLCMs) in the INF range. The USG decision to ban these missiles took into account a number of considerations. It is important to remember what the issue was not about. It was not about whether to permit planned U.S. deployments of conventionally-armed GLCMs; nor was it about whether to withdraw from Europe previously deployed systems. Rather, the decision to be made was whether or not to protect the option for deploying conventionally-armed GLCMs. At the time of the decision, the U.S. and NATO did not—and do not today—have any specific plans or military requirements for conventionally-armed GLCMs in the INF range.

Moreover, the USG has fully protected its right to deploy INF range conventional air- and sea-launched cruise missiles. Such systems are not covered by the INF Treaty, and our position in START is that there shall be no limits on conventionally-armed cruise missiles. The INF Treaty also does not cover GLCMs with ranges below 500 kilometers.

Allowing Soviet deployment of conventional GLCMs could have exacerbated the existing conventional imbalance (and added to Soviet ability to deliver chemical weapons), especially given the possibility that the Soviets would deploy these systems in far greater numbers than NATO. Any deployment by NATO of additional land-based intermediate-range missiles in Europe would, in the current political climate, be a complicated task.

In addition to these reasons, we also had to consider the verification difficulties inherent in distinguishing between nuclear- and conventionally-armed GLCMs. The USG has been unable to develop—and the Soviet Union has not put forth—a regime to verify effectively the differences between the two types. Thus, the context of the INF Treaty, by permitting Soviet conventionally-armed GLCMs, we would have to assume for military planning purposes that the entire force was capable of delivering nuclear weapons.

By banning all GLCMs of INF range, and requiring the elimination of all existing INF GLCM missiles and launchers, we make covert Soviet deployment of INF-range GLCMs more difficult and costly. Moreover, without flight-testing, crew training and exercising of equipment, the operational capability of any covertly stored GLCMs would be seriously degraded over time. Conversely, the Soviet ability to maintain an operational nuclear GLCM capability under the guise of a permitted conventionally-armed GLCM program would be high and would provide the Soviets a ready means of breaking out from the Treaty.

Thus, the decision to ban conventionally-armed GLCMs reflected a considered USG judgment based on a number of factors including a military analysis.

SS-25/SS-20 SECOND STAGE CORRELATION (ARTICLE VI, PARAGRAPH 2)

The third issue relates to the meaning of Article VI, para 2. Article VI of the INF Treaty reads as follows:

"1. Upon entry into force of this Treaty and thereafter, neither Party shall:

"(a) produce or flight test any intermediate-range missiles or produce any stages of such missiles or any launchers of such missiles; or

"(b) produce, flight-test or launch any shorter-range missiles or produce any stages of such missiles or any launchers of such missiles.

"2. Notwithstanding paragraph 1 of this Article, each Party shall have the right to produce a type of GLBM not limited by this Treaty which uses a stage which is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate-range GLBM having more than one stage, providing that the Party does not produce any other stage which is outwardly similar to, but not interchangeable with, any other stage of an existing type of intermediate-range GLBM."

Paragraph 1 of Article VI sets forth, inter alia, a basic prohibition on the production of any intermediate-range ground-launched missile or any stages of such missiles, Paragraph 2 was incorporated into this Article to take into account the outward physical similarity between the first stage of the SS-25 ICBM (which the Soviets wish to continue to produce) and the first stage of the SS-20, which is an existing type of intermediate-range ground-launched ballistic missile and whose production, including its first stage, is prohibited by Paragraph 1. The purpose and effect of Paragraph 2 is to make clear the agreement of the Parties that the Treaty does not prohibit the Soviets from continuing to produce the SS-25 ICBM on the basis that it has a first stage outwardly similar to, but not interchangeable with the first stage of the SS-20. Hence, Paragraph 2 of Article VI provides that, notwithstanding the Paragraph 1 prohibition against producing stages of intermediate-range ground-launched ballistic missiles, each Party has the right to produce a type of ground-launched ballistic missile not limited by the Treaty (e.g. the SS-25 in the Soviet case) even if that missile uses one stage that is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate-range ground-launched ballistic missile (SS-20 in the Soviet case) having more than one stage.

In addition, however, Paragraph 2 of Article VI permits the Soviet Union to produce and possess the first stage of the SS-25 only provided that no other stage of that missile is outwardly similar to, but not interchangeable with, any other stage of an existing type of intermediate-range ground-launched ballistic missile (e.g., the second stage of the SS-20). The word "notwithstanding" serves to underscore the important distinction between the effects of the prohibition contained in Paragraph 1 and the effect of that as qualified in Paragraph 2.

By using parallel grammatical construction (e.g., by repeating the phrase "outwardly similar to, but not interchangeable with" in connection with both stages), paragraph 2 makes clear that precisely what is permitted in the case of the first stage is prohibited in the case of the second stage. In addition, the fact that this phrase is repeated verbatim shows that it should be read as a whole and not broken down into component grammatical parts.

We and the Soviets agreed that this provision would prohibit them from building a second stage of the SS-25 which is "outwardly similar to, but not interchangeable with" the second stage of the SS-20. Furthermore, a stage which is outwardly similar to and interchangeable with an SS-20 stage would be a violation of Article VI, paragraph 1.

Thus, Article VI, Paragraph 2 of the INF Treaty permits the Soviets to produce the SS-25 first stage even though it is "outwardly similar to, but not interchangeable with" the SS-20 first stage. It also limits the Soviets to producing only one stage which is "outwardly similar to, but not interchangeable with" a stage of an existing type of intermediate-range GLBM (i.e., the first stage of the SS–20). Thus, while the Soviets can produce the SS–25 first stage which is "outwardly similar to, but not interchangeable with" the first stage of an SS–20, they cannot produce a stage which is "outwardly similar to, but not interchangeable with" the SS–20 second stage.

Article VI, Paragraph 2 of the INF Treaty gives the U.S. the same right as the USSR to produce a stage, for a non-Treaty-limited missile, which is "outwardly similar to, but not interchangeable with" a stage of an existing type of intermediate-range missile (i.e., the Pershing II). We would not, however, be permitted to produce another stage for a non-Treaty-limited missile which is "outwardly similar to, but not interchangeable with" a stage of an existing type of intermediate-range missile. Thus, if we were to produce a short-range missile using a stage which is "outwardly similar to, but not interchangeable with" the second stage of the Pershing II missile, we would then be prohibited from producing a non-Treaty-limited missile using a stage which is "outwardly similar to, but not interchangeable with" the first stage of the Pershing II.

DEFINITION OF RANGE OF AN INF BALLISTIC MISSILE

The fourth issue raised by Senator Nunn relates to the Administration's statements that under the INF Treaty the Soviet Union would not be prohibited from developing a new missile, testing it only once at a range above 5500 kms but then conducting all subsequent tests at INF range. The fundamental rule is that a system which, by even a single test over 5500 kms, has demonstrated that it has strategic range capability will be considered to be strategic and not banned by the INF Treaty. However, this range capability rule in no way prejudices our right to challenge Soviet compliance, if a system which had been tested once to 5500 kms was being tested in a different configuration at INF ranges. We do not want to be specific on the factors that would be taken into consideration in making such a determination. In any event, any U.S. challenge would be undertaken on a case-by-case basis. Any system tested only to INF ranges, of course, would be prohibited. Nevertheless, the basic rule remains that a system tested once to strategic range will be considered to be strategic and not covered by the INF Treaty.

FUTURISTIC WEAPONS SYSTEMS

The fifth issue raised by Senator Nunn relates to the definition of weapon delivery vehicle and the possible use of future technologies in connection with INF missile systems. The INF negotiating record, viewed in conjunction with the Treaty text and with customary international law and the Vienna Convention on the Law of Treaties, demonstrates that the United States and the Soviet Union share a common understanding that all U.S. or Soviet ground-launched missiles with ranges between 500–5500 kilometers, both present and future, should be subject to the provision of the INF Treaty. (See attached classified extract from the negotiating record.)

During the INF negotiations, the United States and the Soviet Union did not specifically discuss INF ballistic and cruise missiles using future technologies, such as lasers, to destroy targets; nor did the Parties specifically address that meaning of the term "weapon delivery vehicle". Instead, the Parties recognized that it was unnecessary to define in the Treaty terms which had ordinary, commonly understood meanings or where the common sense meaning of the term was intended by the Treaty. Indeed, Article 31 of the Vienna Convention on the Law of Treaties (which the U.S. recognizes as largely reflecting customary international law) provides that treaties "shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context . . ."

In the context of the INF Treaty, it is our considered judgment that the Parties understand the term "weapon-delivery vehicle" to mean any INF ballistic or cruise missile system that is tested or deployed to carry a weapon—that is, any mechanism or device which when directed against a target is designed to damage or destroy it. Accordingly, it is not necessary to confirm this understanding with the Soviet Union as a condition to the Senate's giving its advice and consent to ratification of the INF Treaty.

The use of new weapons technologies would not be prohibited in a delivery vehicle not covered by the Treaty.

Finally the statement in the Article-by-Article analysis that GLBMs (or GLCMs) "that have been flight tested or deployed for weapons delivery, i.e., flight tested or deployed with any type of warhead device or simulation thereof" should not be read as excluding non-explosive devices from coverage by the Treaty. Rather, it should be read as clarifying that GLBMs and GLCMs which carry warhead simulators would be covered by the Treaty's ban.

Sincerely,

MAX M. KAMPELMAN,
Counselor of the Department.

Attachment: As stated.

ATTACHMENT

[Deleted.]

Senator LEVIN. Is this the letter? Is the letter not classified?

Ambassador GLITMAN. The letter is not classified.

Senator LEVIN. What is this?

Ambassador GLITMAN. What is attached is Obukhov's statement from September 25. That is classified. That is the only part.

General HERRES. We will give you the answer to that HARPY question for the record.

[The information follows:]

HARPY SYSTEM

QUESTION. Would you describe what the Harpy system is, how it works?

General HERRES. [Deleted.]

Chairman NUNN. Mr. Ambassador, do you want to go into this today, or would you rather just go into it privately?

Ambassador GLITMAN. Mr. Chairman, I would like to do my level best to assure this committee that I can assuage the concerns of this committee.

Chairman NUNN. Let me tell you my problem right up front. Before I went to law school I used the word "notwithstanding". When I got into law school I started using it extensively. I started practicing law and I started using it even more extensively. Since I have been in the Senate I have used it over and over again. I have seen it used hundreds of times.

"Notwithstanding" means, in the common vernacular, that anything that goes before is not governing, that what we are now saying is governing. So that is where I disagree with your analysis.

Ambassador GLITMAN. I think the problem there is how to explain that word in a rational way, and I know it is not easy.

Chairman NUNN. Not to a lawyer. If you started using the word "notwithstanding" the way you are using it, to say that this is not a problem, then you put 50 to 60 percent of the lawyers in the United States out of business. That would probably be a good thing, being a lawyer myself, but that is just not the way the word is used here.

Ambassador GLITMAN. I would be happy to try again, if you will indulge me, then, Senator.

Chairman NUNN. I will indulge you. Senator Quayle.

Senator QUAYLE. One other thing. I do have one question for General Herres, but it is at the special access level.

Chairman NUNN. Do you want to wait until we clear the room?

Senator QUAYLE. Go ahead and finish on this point.

Ambassador GLITMAN. I appreciate the opportunity, Senator.

I think we ought to look first at the structure of the article in question. Paragraph 1 of article VI sets forth a basic prohibition. That is the one we have been talking about, in fact.

Paragraph 2 of article VI qualifies that basic provision, but that qualification is subject to a proviso. Thus, if the treaty contained only the first paragraph of article VI, the first stage of the SS-25 would have to be banned under the INF Treaty because given its outward similarity to the first stage of an SS-20 we would have to count it as an SS-20 first stage.

However, paragraph 2 of article VI permits the Soviet Union to produce and possess the first stage of the SS-25, provided that no other stage of that missile is "outwardly similar to but not interchangeable with" the second stage of the SS-20. The word "notwithstanding" serves to underscore that paragraph 2 qualifies paragraph 1. Without it, the relationship between the basic prohibition of paragraph 1 and the qualification/proviso to that prohibition to paragraph 2 would be less clear.

Second, looking at the grammar; by using parallel grammatical construction, for example, by repeating the phrase "outwardly similar to but not interchangeable with" in connection with both stages, paragraph 2 makes clear that precisely what is permitted in the case of the first stage is prohibited in the case of the second stage. In addition, the fact that this phrase is repeated verbatim shows that it should be read as a whole and not broken down into component grammatical parts.

We and the Soviets agree that this provision would prohibit them from building a second stage of the SS-25 which is "outwardly similar to but not interchangeable with" the second stage of the SS-20. Furthermore, a stage which is outwardly similar to and interchangeable with an SS-20 stage would be in violation of article VI, paragraph 1.

Let us look at the logic. If the parties had wanted to permit more than one stage of a non-treaty-limited missile to be "outwardly similar to but not interchangeable with" more than one stage of a treaty-limited missile, they would have drafted this paragraph in a totally different way.

The fact that this paragraph is drafted as presented in the treaty rather than providing an unequivocal right to produce more than one such stage without any proviso clause can only lead to the logical conclusion that the parties intended to prescribe one regime for one "outwardly similar to but not interchangeable with" stage and another regime for a second stage.

Moreover, since the first clause of paragraph 2 clearly provides an exception for one such stage, the proviso clause can only mean that the second such stage is not permitted. In addition, the treaty establishes in article XI, paragraph 6, a special monitoring regime to deal with the problem of outwardly similar stages, and in section 9 of the Protocol on Inspection sets forth the detailed manner in which the monitoring of any final assembly facility for a missile with the one permitted outwardly similar stage can take place.

These provisions make no sense except as a means of verifying that the conditions set forth in article VI, paragraph 2, and especially the proviso clause, are being met.

The fact that the parties agreed to paragraph 6 in article XI and the Inspection Protocol are prima facie evidence that they both understood that paragraph 2 of article VI permitted either party to produce one stage of a non-treaty-limited GLBM which uses a stage which is "outwardly similar to but not interchangeable with" a stage of an existing type of intermediate-range GLBM but they could not build a second stage of a non-treaty-limited GLBM which was "outwardly similar to but not interchangeable with" another stage of that treaty-limited missile.

I would note that the Armed Services Committee report itself acknowledges that the United States and the Soviet Union share a common understanding of the meaning and effect of this provision. The report states:

> The committee concluded that there was a meeting of the minds between the United States and the Soviet negotiators that each party has the right to produce a type of GLBM not limited by the treaty if that missile uses one, but only one, stage which is outwardly similar to but not interchangeable with any stage of an existing type of intermediate-range GLBM.

Chairman **Nunn**. Mr. Ambassador, General Herres is going to have to leave. I am told he has got to host a dinner, and Senator Quayle had indicated he had a question.

Senator **Quayle**. I have a question at the Special Access level.

General **Herres**. I will wait.

Chairman **Nunn**. Can you put the rest of yours in the record? I will be glad to talk to you some more about it.

Ambassador **Glitman**. Yes, thank you very much for this opportunity.

[Additional information follows:]

Thus, article VI, paragraph 2 of the INF Treaty permits the Soviets to produce the SS-25 first stage even though it is "outwardly similar to, but not interchangeable with" the SS-20 first stage. It also limits the Soviets to producing only one stage which is "outwardly similar to, but not interchangeable with" a stage of an existing type of intermediate-range GLBM (i.e., the first stage of the SS-20). Thus, while the Soviets can produce the SS-25 first stage which is "outwardly similar to, but not interchangeable with" the first stage of an SS-20, they cannot produce a stage which is "outwardly similar to, but not interchangeable with" the SS-20 second stage.

Article VI, paragraph 2 of the INF Treaty gives the United States the same right as the USSR to produce a stage, for a non-treaty-limited missile, which is "outwardly similar to, but not interchangeable with" a stage of an existing type of intermediate-range missile (i.e., the Pershing II). We would not, however, be permitted to produce another stage for a non-Treaty-limited missile which is "outwardly similar to, but not interchangeable with" a stage of an existing type of intermediate-range missile. Thus, if we were to produce a short-range missile using a stage which is "outwardly similar to, but not interchangeable with" the second stage of the Pershing II missile, we would then be prohibited from producing a non-treaty-limited missile using a stage which is "outwardly similar to, but not interchangeable with" the first stage of the Pershing II.

Chairman **Nunn**. And hopefully no more hearings. We will have to clear the room.

[Whereupon, at 6:51 p.m., the committee proceeded into a discussion at the Top Secret/Special Access Required level.]

NATO DEFENSE AND THE INF TREATY

THURSDAY, APRIL 14, 1988

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

GROUND-LAUNCHED CRUISE MISSILES AND FUTURE WEAPON SYSTEMS

The committee met, in executive session, pursuant to recess, at 6:52 p.m., in room S-407, the Capitol, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn and Quayle.

Staff present: Arnold L. Punaro, staff director; Christine C. Dauth, chief clerk; Gerald K. Bankus, Robert G. Bell, and Brian D. Dailey, professional staff members.

Also present: James H. Dykstra, assistant to Senator Cohen.

Intelligence Committee staff present: Sven Holmes, staff director.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Chairman NUNN. The hearing will come back to order. Is the room cleared?

Mr. PUNARO. General Glenn, can you verify all the executive branch personnel? I do not know this gentleman beside Dr. Duncan.

VOICE. I am with Air Force Liaison.

General GLENN. Then you will have to leave.

Chairman NUNN. Senator Quayle.

Senator QUAYLE. General Herres, the question I have concerns the two programs which were brought up, I think, the last time you were here, by the chairman. These are your questions. The [deleted], whether the programs were exploring [deleted] for possible application for weapons systems.

One potential application was integrating these technologies into a cruise missile for use in attacking and destroying [deleted] of an opponent's system. Would a ground-launched cruise missile incorporating such technology be considered a weapons delivery vehicle and therefore banned if the missile range was between 500 and 5,500 kilometers?

Your answer was that it is probably in the gray area and one that has to be looked at. My question is, have you looked at it and is it still in the gray area?

STATEMENT OF GEN. ROBERT T. HERRES, USAF, VICE CHAIRMAN, JOINT CHIEFS OF STAFF

General HERRES. The answer is yes, if it does damage, and it would probably not be very effective unless it did do damage. In other words, it would not be the kind of thing—I think it is a [deleted] and the presence of the effect is very short. Therefore, it would have to do damage in order to be effective.

Senator QUAYLE. So it would be banned?

General HERRES. It would be banned. At the time, I did not know enough about——

Senator QUAYLE. What the definition of weapon was?

General HERRES. I knew what the definition of weapon was. I did not know enough about the weapon to know whether it would be damage-inflicting or temporary or what exactly it would do.

Senator QUAYLE. Destroying the [deleted] of an opponent's system, that is damage?

General HERRES. That is damage, yes, sir.

Senator QUAYLE. That is what the question said.

General HERRES. Was it asked exactly this way?

Senator QUAYLE. This is my point. And this is not in this restricted access area. We really do not have this clear understanding, because that question right there says destroying [deleted] of an opponent's system. You say that is very clearly damaging. I agree.

But the last response you gave was that this is in the gray area. We will have to get back to you. This is the whole problem that you have with this definition that you have all come up with on the question that you had. I am glad it is clarified that it is out.

Is that right?

General HERRES. I think one of the things I probably missed when you asked the question is you said ground-launched cruise missile, and I may also have been thinking in broader terms for a delivery platform. It is clear that I do not know of any ambiguity that anybody could introduce——

Senator QUAYLE. It is clear today?

General HERRES. It is clear in the treaty that a ground-launched cruise missile that is a weapon delivery platform will be excluded if it is an INF missile. That is clear.

Senator QUAYLE. I understand it seems that way, but it was in the gray area last week and this week it is banned.

General HERRES. I did not catch the question as accurately as I should have, and I have to say I was mistaken or whatever. I mean, the question is a mouthful. I was not familiar with this program before he asked the question.

Chairman NUNN. Well, we have got the answers to each one of these questions now for the record.

Senator QUAYLE. You do?

General HERRES. The gray was in my mind.

Chairman NUNN. I understand we have those questions that were posed and the answers to each one of them.

Senator QUAYLE. We have all the ones in the special access? Okay.

Chairman NUNN. I do not think we need to ask them again.

General **Herres**. There was a question about the 5-year plan and none are constrained. There was a question about technology applications, any that are aware of, including any being explored in our special access security procedures, that would be affected by the provisions of the treaty, and the answer is no.

And then there is [deleted] and so forth.

Chairman **Nunn**. We have got all of them right here, Dan.

General **Herres**. There was a question about the [deleted], and the answer to that one is yes.

Senator **Quayle**. Are any that we thought would not be banned that are not banned, or did we come down and basically say on all these questions that we asked if they are in the range, that they do damage and therefore they are banned?

General **Herres**. The one that there might have been some confusion about is countermeasures that do not do permanent damage or lasting damage. That may have been a question; I do not recall exactly.

I would like to emphasize one thing. Again, at the risk of sounding redundant, there is nothing that prevents us from exploiting these technologies from air-launched platforms or sea-launched platforms. We can put [deleted] on an airplane and launch it and do this job and not be prohibited by the treaty.

Chairman **Nunn**. The Air Force and Navy have again succeeded. They are getting the Army out of everything. [Laughter.]

General **Herres**. We can do it under 500 kilometers.

Senator **Quayle**. But you have looked at the competitive strategies, and I presume the RAND report on how many cruise missiles we are talking about potentially in this theater? We are talking about as many as [deleted] potential cruise missiles. Are you telling me you are going to put [deleted] cruise missiles on planes and ships?

General **Herres**. No, sir. I do not think that we can afford [deleted] cruise missiles that can do the kind of damage that cruise missiles can do. I would rather put them on a more flexible platform like an airplane that can also deliver bombs and carry all kinds of damage mechanisms besides cruise missiles.

Senator **Quayle**. Where is the air-launched Tacit Rainbow? What aircraft is that going to be deployed on?

General **Herres**. [Deleted] will probably use them on [deleted], and I just cannot answer that.

Senator **Quayle**. On [deleted] stationed here? That is supposed to be a [deleted] program.

General **Herres**. It is. There is also a [deleted] application. I do not know what we will put it on in [deleted], if we put it in there.

Senator **Quayle**. [Deleted?]

General **Herres**. We have [deleted] committed to [deleted]. We have options for use of the [deleted].

Chairman **Nunn**. [Deleted.]

Senator **Quayle**. Are you going to put the Tacit Rainbow on the [deleted]? It is awful heavy for that.

General **Herres**. The [deleted] carries a pretty good load.

Senator **Quayle**. Are you going to put Tacit Rainbow on the [deleted]?

General Herres. I believe the Navy is planning on doing that. I would have to confirm it. It is the only platform I know of.

Senator Quayle. Here is the Navy.

Captain Debobes. Don't ask this lawyer.

Chairman Nunn. General, thank you very much. We appreciate it very much.

[Whereupon, at 7 p.m., the committee adjourned.]

[The following questions with answers submitted were intended for the hearing record of January 25, 1988, but were not received in time for printing in Part 1 of the series.]

Missile Systems

Senator McCain. Could you provide a detailed explanation, by individual type of missile system, of the differences between the estimates of Soviet missile and launcher strength in the data annex to the INF Treaty and the Department's estimates in its posture statements, reports, and briefings?

Secretary Carlucci. Disparities between the Soviet-provided data in the Memorandum of Understanding (MOU) and U.S. unclassified order of battle (OB) are presented below. Published unclassified OB data are listed in aggregate totals for deployed launchers; the data assumes one missile per launcher. Because of the uncertainties in nondeployed force levels, these forces are not included.

Weapon System	Soviet MOU	Unclassified OB
IRM's deployed:		
SS-20 launchers	405	[1] [2] 441
SS-20 missiles	405	441
SS-4 launchers	79	104
SS-4 missiles	65	104
SS-5 launchers	0	(3)
SS-5 missiles	6	(3)
SRMS's:		
SS-12 launchers	115	110
SS-12 missiles	220	110
SS-23 launchers	82	12
SS-23 missiles	167	12
GLCM's:		
SSC-X-4 launchers	6	(3)
SSC-X-4 missiles	84	(3)

[1] [Deleted.]

[2] Approximately one-third of the launchers are deployed in the Far East.

(3) These systems are not deployed and therefore are not listed in the OB.

[Deleted.]

Disparities in SS-23 figures reflect uncertainty in the number of deployed assets due to the early stages of deployment of this system. Nondeployed force estimates for INF systems are less certain and vary by agency, depending on the methodology used to assess production.

SOVIET WARHEAD STRENGTH

Senator MCCAIN. Could you provide a detailed explanation of the Department's estimate of the changes in total Soviet warhead strength that will result from the INF Treaty, by individual type of Soviet missile system, and of how the warheads and guidance platforms, that will be removed from the INF and SRINF missiles that are being destroyed, will be used?

Secretary CARLUCCI. The INF Treaty calls for the elimination of five Soviet ballistic missile systems and the Soviet ground-launched cruise missile system (designated the SSC-X-4), which has been developed, but never deployed. The Treaty obligates both sides to destroy INF missiles, launchers and their support equipment and structures, not warheads. With regard to ballistic missiles, it requires that the front section (minus the nuclear warhead device and guidance element) be destroyed.

Listed below are the deployed figures for Soviet INF missiles, as provided by the Soviets in the INF Memorandum of Understanding. Assuming one warhead for each SS-12, SS-23 and SS-4 missile, and three warheads for each SS-20 missile, the Soviets are required to eliminate deployed systems capable of carrying over 1,600 warheads.

Deployed INF system	Number deployed	RV/missile	RV/total
SS-12	220	1	220
SS-23	167	1	167
SS-4	65	1	65
SS-20	405	3	1,215
Total	857		1,667

[Deleted.]

Senator MCCAIN. Could you provide a projection of total Soviet warhead strength over the next 5 years, with and without the INF Treaty, including the new warheads the Soviet Union is producing, taking the continuing high volume of production at its weapons material plants into account?

Secretary CARLUCCI. [Deleted.]

PROTECTING OURSELVES AND OUR ALLIES

Senator MCCAIN. Could you provide a more detailed analysis of how we could react to such changes by deploying new theater nuclear systems, redeploying theater nuclear systems or taking other measures to protect ourselves and our allies?

Secretary CARLUCCI. NATO's force posture and military plans are continually evolving to offset ongoing and anticipated changes in the Soviet threat. Determining what reactions would be appropriate and feasible in response to future changes in the Soviet nuclear force posture is highly speculative. NATO's reaction would obviously depend on a large number of military, economic, and political factors, including:

The nature and magnitude of the Soviet change;

Whether it was allowed or prohibited by the provisions of the INF Treaty;

National and collective judgements concerning its military and political significance and its implications for NATO's ability to implement its strategy;

The cost, availability, and political acceptability of various response options, and their implications for other aspects of NATO's defense; and

Allied willingness to participate in the response and to share in its costs.

Options available to NATO for responding to changes in the Soviet nuclear posture include:

Increasing numbers of warheads and/or launchers for nuclear systems currently deployed in Europe;

Changing the geographic distribution of current systems, to increase their capability against the Warsaw Pact or to reduce their vulnerability;

Redeploying existing nuclear systems from the United States to Europe;

Adjusting planning for U.S. nuclear systems outside of Europe, such as its strategic forces;

Developing new or improved capabilities which exploit Western technological advantages;

Modifying NATO operational concepts or procedures to offset or counter the Soviet change; and

Offsetting the Soviet change through negotiations, assuming NATO has adequate bargaining leverage.

NATO is already pursuing a range of measures to improve its nuclear and conventional forces based upon decisions taken prior to signature of the INF Treaty. To the extent that these measures address anticipated changes in the Soviet military posture, they will provide an important baseline for any additional responses to unanticipated Soviet acts. Also, because many of these improvement measures involve dual-capable systems and systems like aircraft that are readily redeployed, they will enhance the flexibility of NATO's forces and thus their ability to respond rapidly to unanticipated changes in the threat.

NATO's steadfast implementation of its 1979 "dual-track" decision provides concrete evidence that NATO has the will and capability to take the steps necessary to provide for its collective security, even in the face of Soviet pressure.

Senator McCAIN. Could you apply these techniques of analysis in depth to provide this committee with the current and projected theater nuclear balance, with and without an INF Treaty? I would like to see this balance projected forward for at least the same time period as in past projections—in this case that would be to the year 2000.

Admiral CROWE. [Deleted.]

NUCLEAR BALANCE

Senator McCAIN. Could you provide a similarly detailed analysis of how the nuclear balance, with and without the INF reductions, affects four critical issues:

(a) Soviet and Warsaw Pact incentive and capability to launch a nuclear first strike against NATO?

(b) Soviet and Warsaw Pact incentive and capability to escalate to the use of nuclear weapons, chemical and biological weapons?

(c) Soviet and Warsaw Pact capability to decouple the nuclear capabilities of the United States from the defense of Europe?

(d) Soviet ability to substitute strategic systems and bombers like the BACKFIRE for INF forces without seriously impacting on Soviet strategic capabilities against the United States?

Secretary CARLUCCI. [Deleted.]

Moscow sees the INF Treaty as an instrument for creating a political climate in Western Europe for weakening West European confidence in U.S. protection and advancing the denuclearization of Western Europe. The U.S.S.R. hopes that the removal of the Pershing II and the GLCMs will undermine West European faith in the "coupling" of the U.S. strategic nuclear deterrent, thus promoting the growth of neutralism; revitalizing the peace movement; and fueling new pressures for removing all U.S. dual-capable aircraft and NATO tactical nuclear weapons.

BALANCE OF THEATER AIR-BREATHING SYSTEM

Senator McCAIN. Could you provide a similar assessment of the risks inherent in a net assessment of the current balance of theater air-breathing systems with and without the INF Treaty?

Secretary CARLUCCI. (S/NF) The only Soviet theater air-breathing system which would be affected by the INF Treaty is the SSC-X-4 GLCM. Under the terms of the INF Treaty, all INF GLCM's would be banned. In an environment without the INF Treaty, the DoD projects the Soviets would deploy some [deleted].

CONVENTIONAL BALANCE

Senator McCAIN. Admiral Crowe, I am equally concerned with our ability to get the Department's views on the conventional balance. I know that the Department is issuing a report on "Support of NATO Strategy in the 1990's" today, but I gather this has been severely edited down from the original drafts, and I want to make sure that we have a full and comprehensive picture of the Department's view of the conventional balance in the NATO Central Region.

Could you review the earlier drafts of that report, and provide us with a comprehensive picture of the conventional balance?

Admiral CROWE. Naturally, the report on "Support of NATO Strategy in the 1990s" went through a normal drafting and editing process prior to being submitted to the Congress. However, it is inappropriate to discuss drafts of such documents.

A picture of the conventional balance is prepared each year in the form of the Military Posture Statement. "United States Military Posture for Fiscal Year 1989" compares U.S. and Allied forces with Soviet and Warsaw Pact forces in Chapter III and, in Chapter V, assesses the current and projected capability of the U.S. Armed Forces, in concert with friends and allies, to meet the Soviet conventional military threat.

WAR GAMES RESULTS

Senator McCAIN. Admiral Crowe, could you provide us with a chronological summary of the results of the war games the Department has run for the NATO Central Region over the last four years, to include a statement of how long NATO conventional forces could hold and the main strengths and weaknesses of NATO forces?

Admiral CROWE. [Deleted.]

CENTRAL REGION BALANCE

Senator McCAIN. Could you provide a comprehensive analysis of the Department's estimate of the impact of the comparative rates of U.S. and Soviet, and NATO and Warsaw Pact production and deployment of land, air, and naval equipment in the Central Region balance showing annual deployments by major category of equipment over the last ten years and projected deployments for the next 5 years?

Admiral CROWE. [Deleted.]

FORCE IMPROVEMENTS

Senator McCAIN. Could you provide an equally detailed statement of the specific force improvements each of our allies in Europe would have to make in its Army, Air Force, and Navy to create the robust conventional option you mention in your testimony.

Admiral CROWE. In recognition of the need for strengthened conventional forces, NATO launched the Conventional Defense Improvement (CDI) program in 1984. As part of this program, specific force goals were established for each member nation to remedy or ameliorate the most critical deficiencies in our Alliance's force posture. An assessment of allied performance against these force goals is included in our 1987 Report to the Congress on "NATO Conventional Defense: Assessments of Allied Performance in Selected Improvement Areas." An updated revision of this Report will be sent to the Congress in April, 1988.

DEFENSE EXPENDITURES FOR CENTRAL REGION

Senator McCAIN. Could you provide me with a comparative estimate of what the U.S. and USSR, and NATO and the Warsaw Pact as a whole, are spending on their forces for the Central Region and in the area from the Atlantic to the Urals, and of the annual trends in real defense expenditure over each of the last 10 years?

Admiral CROWE. There is no analytically sound costing methodology that enables us to develop a meaningful estimate of how much of the total defense expenditures of the United States, USSR, NATO Alliance, and Warsaw Pact are allocated to the Central Region or to the Atlantic to the Urals. The analytical problems associated with the requested costing data are essentially the same problems that make it impossible for us to develop meaningful estimates of the portion of the DoD budget that is allocated to NATO. Since many of our forces could be used for non-NATO as well as NATO emergencies, calculating their costs involves a "joint product" problem. There is no NATO/non/NATO dividing line in the U.S. force structure, nor do we allocate funding in our program and budget on a regional or geographic basis. Trying to classify U.S. forces into those that would support a war in Europe and those that would not impose a misleading simple dichotomy. In all likelihood, any conflict with the Warsaw Pact would be a major—perhaps global—war, requiring a full commitment of U.S. and allied resources.

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